BELARUS AFTER ELECTION

Report on the human rights situation in Belarus in the post-election period[1]

Summary

This report has been prepared to assist the expert mission established under the OSCE Moscow Mechanism in establishing facts of human rights violations in Belarus during the post-election period.

This report contains information on the human rights situation in the post-election period, covering the period from August 9 to the present. It provides information about violations of individual human rights, such as the right to life, freedom from torture, the right to personal liberty, and the right to be free from inhumane treatment. This report also contains facts of violations of the rights of journalists covering protests and the situation in the country. The report separately addresses children's rights violations in connection with the post-election events.

The report contains victims' testimony collected by the Human Rights Centre "Viasna"[2] and the Belarusian Helsinki Committee[3], information from monitoring reports by Belarusian human rights organizations, as well as information received from other reliable sources (for example, information from the Minsk City Emergency Medical Service on the nature and severity of bodily injuries received by protesters on August 9-21). Each section of the report contains brief conclusions and recommendations.

The report includes direct quotations of the victims of the law-enforcement agencies' actions, which significantly increased its volume.

For security reasons, we do not share the names or personal information of the people who provided us with the information in this report, although we do possess them.

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1 The report was prepared by the following human rights organizations: Human Rights Centre "Viasna" (http://spring96.org/en, viasna@spring96.org), the Belarusian Helsinki Committee (http://belhelcom.org/en, office@belhelcom.org), and the Belarusian Association of Journalists (https://baj.by/en) in cooperation with the International Federation for Human Rights (FIDH) and World Organization Against Torture (OMCT).

2 HRC "Viasna" was the first in the country to launch a campaign for systemic collection and documentation of information from the victims of torture after the events of 9-12 August, interviewing more than 500 people.

3 The Belarusian Helsinki Committee sent 7 individual communications to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Content

Context

The 2020 presidential elections were held in an unprecedented atmosphere of fear and intimidation of the Belarusian society, against the backdrop of repression that began almost immediately after the start of the election campaign and continued at all its stages. As a result, more than a thousand individuals were detained, hundreds were arrested or fined before the Election Day. In the course of the election campaign alone, 23 people were arrested and imprisoned on criminal charges, including direct participants of the election campaign: members of initiative groups, presidential contenders, as well as bloggers, peaceful protesters, and participants of meetings for collection of signatures. The Belarusian human rights community recognized all of them as political prisoners[4].

During the election campaign, the authorities created unequal conditions for candidates, restricted media coverage, forced voters to vote early, oppressed independent journalists, bloggers and public figures, and failed to ensure transparency at every stage of the electoral process.

According to the national independent election observation campaign Human Rights Defenders for Free Elections, the electoral process for the presidential elections failed to meet a number of basic international standards for democratic and fair elections at every stage and was accompanied by numerous violations of these principles and requirements of domestic law[5].

Electoral fraud in many voting precincts, as well as disproportionate violence against peaceful protesters, led the country into a political crisis. Specifically, following the results of the presidential elections on August 9, 2020, mass protests began across Belarus against election fraud and the announcement of the controversial re-election of de-facto President Alexander Lukashenko. The authorities responded with extreme violence. The protests, and the authorities' response to them with repression, continue at the time of this report's preparation.

Violations of the right to life

Peaceful assemblies on August 9-12 in Minsk and other cities of Belarus were dispersed by the use of special riot control equipment and non-lethal weapons, special vehicles, rubber bullets, flash bang grenades, water jets, rubber batons, stun guns, handcuffs and other tools of restraint by the special forces of the Ministry of Internal Affairs. It is the first time in the history of Belarus that rubber bullets were used against demonstrators.

In many cases, the manner in which non-lethal weapons were used posed a threat to the life and health of demonstrators and led to many bodily injuries. At least two protesters were killed directly as a result of the use of weapons by representatives of the Ministry of Internal Affairs; one more demonstrator was detained by police and died due to delayed medical treatment.

In this regard, the above actions were contrary to the international human rights law requirements of lawfulness, necessity, and proportionality of the use of physical force, riot control equipment, and weapons. Given the context, their use violates the right to life[6].

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4 As of October 3, 2020, there are 77 political prisoners in Belarus: http://spring96.org/en/news/49539

5 http://elections2020.spring96.org/en/news/98942

6 Article 6 of the International Covenant on Civil and Political Rights recognizes and protects the right to life of all human beings. It is the supreme right from which no derogation is permitted even in situations of armed conflict and other public emergencies which threaten the life of the nation. The right to life has crucial importance both for individuals and for society as a whole. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right [2] whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed by other human rights. The right to life is a right which should not be interpreted narrowly. It concerns the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity. Article 6 guarantees this right for all human beings, without distinction of any kind, including for

National legal framework on the use of physical force, special equipment and weapons

According to Article 1 of the Law of the Republic of Belarus # 61-3 of November 13, 2001 "On Weapons", flash bang grenades and rubber bullets belong to the category of weapons.

The Law of the Republic of Belarus # 263-3 of July 17, 2007 "On Bodies of Internal Affairs" stipulates the grounds and procedure for the use of physical force, special equipment and weapons by the law-enforcement bodies.

According to Article 26 of this Law, a law-enforcement officer, when performing the tasks of protecting life, health, honour, dignity, rights, freedoms and legitimate interests of citizens, as well as the interests of the state, from criminal and other illegal infringements, may use physical force, special tools, weapons, military and special equipment only if there is no opportunity to perform these tasks otherwise. Physical force, special tools, weapons, military and special equipment are used with regard to the circumstances at the discretion of a law-enforcement officer in cases stipulated by the Law. Clearly expressed and obvious warnings about intended use of physical force, special tools, weapons, military and special equipment should be given to a person subject to their use, except cases, where delay in their use could create an immediate danger to the lives of citizens or may entail other serious consequences. In all cases, where the use of physical force, special tools, weapons, military and special equipment cannot be avoided, a law-enforcement officer must strive to cause the least damage to life, health, honour, dignity and property of citizens, as well as to take measures in order to immediately provide medical and other necessary assistance to the victims.

A law-enforcement officer has the right to use weapons, that is to fire a shot (shots) from it, against a person:

- attacking a law-enforcement officer and (or) another citizen, when their life or health is in danger;
- committing an attack as part of a group or using weapons or explosives, arson or other methods dangerous for public, using vehicles, machines or mechanisms, to attack residential premises and other legal assets of citizens, premises, other objects of organizations, or persons or objects protected by the bodies of internal affairs;
- committing an action directly targeted at forcible abstraction of weapons, ammunition, military and special equipment or special tools held by a law-enforcement officer;
- committing an action of taking or holding a person as a hostage;
- caught when committing the above-mentioned actions and trying to escape, when in order to avoid detention, this person uses (threatens to use) weapons, explosives, explosive devices or other items that pose a danger to the life or health of a law-enforcement officer or other citizens;
- escaping from custody, convoy;
- not complying with the legal request of a law-enforcement officer to immediately hand over (put down) a weapon, explosive substance, explosive device or other items, the use of which may pose a threat to life or health of a law-enforcement officer or other citizens.

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persons suspected or convicted of even the most serious crimes. Paragraph 1 of article 6 of the Covenant provides that no one shall be arbitrarily deprived of his life and that the right shall be protected by law. It lays the foundation for the obligation of States parties to respect and to ensure the right to life, to give effect to it through legislative and other measures, and to provide effective remedies and reparation to all victims of violations of the right to life.

A law-enforcement officer is granted the right to use weapons in accordance with the Law, when a person commits actions legally forbidden to him by an officer that are expressed in an attempt to approach the officer closer than a specified distance, to get something from clothes or hand baggage, or in other actions that may be interpreted by law-enforcement officers as a threat of violence posing danger for life or health of officers, or for other citizens.

A law-enforcement officer is entitled to use firearms, that is to fire a shot (shots) from them, in order to:

– To signal an alarm or call for help;
– To neutralize an animal that directly threatens the life or health of citizens;
– To stop a vehicle by damaging it, if the driver does not comply with repeated lawful demands that are obvious to him and given by a law-enforcement officer to stop the vehicle, and his actions pose a real threat to the life or health of citizens, or there is reliable data that the vehicle is driven by a person who has committed a grievous or extremely grievous crime.

In addition, a law-enforcement officer has the right to apply weapons, including firearms, and to use firearms in other cases determined by the President of the Republic of Belarus.

A law-enforcement officer has the right to make a weapon ready for firing, if he believes that in current circumstances, the possibility of its use cannot be excluded.

At the same time, the Law prohibits to apply or use weapons:

– **in a significant crowd of people, when this may cause damage to bystanders;**
– in the direction of warehouses (storage facilities) that contain flammable, explosive, and highly toxic substances, and means of transportation of these substances;
– **against women, persons with manifest signs of disability, minors, when their age is obvious or known, with the exception of cases when these persons commit an armed or group attack or other actions that threaten the life or health of citizens.**

Thus, the use of weapons requires law-enforcement officers to take into account a number of factors. The prerequisite for the use of weapons is obvious violent actions that are dangerous to the life and health of citizens and police officers and involve violence or the threat of its use. The law prohibits the use of weapons in a large crowd of people, when it may cause injury to bystanders, as well as against women and minors (except cases of armed or group attacks that are dangerous to life and health).

Potentially life-threatening use of special equipment by security forces during the dispersal of peaceful protests

As the events of August 9 and the following days showed, law-enforcement forces actively used weapons (stun grenades, rubber bullets) precisely in conditions of a large crowd of overwhelmingly non-violent individuals, which led to numerous injuries of citizens who directly took part in the protests, and those who did not take part in them and were in the area of their conduct.

In particular, on August 10, a stun grenade seriously injured Heorhi Saikouski, who lives near the Pushkinskaya metro station and was returning home at about 11 p.m. He describes the incident the following way:

> *"I live near the Pushkinskaya metro station. On August 10, at 11 p.m., I was returning home after visiting friends. I heard explosions, but there was no Internet and I didn't really understand what was going on. At some point, I saw the security forces. They were about a hundred meters away from me. The protesters seemed to be further down the Street, in the*

area of the Ice Palace, and there were almost no people around me. I could not even imagine that a stun grenade would fly into an empty street.”

Heorhi says the stun grenade exploded about 3-4 meters away from him. The only thing he remembers: *“A bright flash, my shoe in shatters, and my right foot minced into pieces.”*

As a result of the stun grenade explosion, Heorhi Saikouski lost his right foot.

Raman Zaitsau, 30, a participant of the rally on August 9 in Minsk, received a serious injury by a stun grenade. It hit Raman right in the chest. He received a penetrating wound of the lung, ruptures of two finger phalanges, and a traumatic brain injury. Raman was taken to the intensive care unit of a military hospital, where he underwent surgery and was on a ventilator.

Regarding the legality and validity of the use of weapons and other special means against the participants of the rally, it is important to point out that in most cases, with the exception of certain episodes of counter-violence against the police, the protesters did not commit any violent actions against other citizens, property or against law-enforcement officers.

Judging by the actions of police officers, their main task was to disperse the demonstrators, to forcibly stop the assemblies, which, in their opinion, were held illegally, by preventing the participants from gathering in one place of the city.

In order to forcibly stop the assemblies, police officers shot at the crowd and launched stun grenades at them without any prior warning. With such indiscriminate use of weapons, it was almost impossible to avoid a large number of victims.

In some cases, weapons were used at close range, when the police officers who used them could clearly see that the demonstrators did not pose any threat to their life or health and did not commit any illegal violent actions. When using traumatic weapons at close range, police officers could not but realize that they were thus creating a threat to life.

There are serious doubts that the police officers possessed the experience and the necessary skills to use traumatic firearms and rubber bullets in the conditions of a mass gathering. In addition, it is not known whether the gear had undergone necessary certification or whether the degree of its impact on people had been researched, etc.

In light of the above, as well as on the basis of data available, having studied numerous photo and video evidence, we can conclude that the officers of the security forces used weapons arbitrarily, without sufficient grounds and disproportionately to the situation, and were obviously authorized by the authorities to do so, which indicates the violation of the right to life by the Republic of Belarus.[7]

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7 The right to life (Article 6 of the ICCPR) provides not only protection against premeditated murder, but also in situations where the use of force leads to the loss of life. The protection of the right to life entails a “stricter and more compelling test of necessity” because "the force used must be strictly proportional to the achievement of the permitted objectives”.

In accordance with paragraph 14 of General Comment No. 36 to Art. 6 of the ICCPR, “States parties should monitor the impact on the right to life of less-lethal weapons which are designed for use by law-enforcement agents and soldiers charged with law-enforcement missions, including electro-muscular disruption devices (Tasers), rubber-coated metal bullets, and attenuating energy projectiles. The use of such weapons must be restricted only to law-enforcement agents who have undergone appropriate training, and must be strictly regulated in accordance with international protocols for their use. Furthermore, such less-lethal weapons can only be employed, subject to requirements of necessity and proportionality, in situations of exceptional nature in which other less harmful measures have proven to be, or clearly are inadequate. For example, States parties should not resort to them in routine situations of crowd control and demonstrations.”

International standards provide detailed instructions on the use of force in the context of dispersal of unauthorized assemblies, both non-violent and violent. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials stipulate that "in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary".

As a result of the use of violence against demonstrators and detainees in the city of Minsk alone, more than 1,200 people turned to health care institutions, according to health care services.[8]

Deaths of protesters

At least three protesters were killed as a result of direct actions by police, in different parts of the country.

The death of Aliaksandr Taraikouski

Aliaksandr Taraikousku died near the Pushkinskaya metro station in Minsk on the night of 10 August. According to an official statement of the Ministry of Internal Affairs, he died from the explosion of an unidentified explosive device in his hands.

On 15 August, a video of Taraikouski's death was published[9]. The video clearly shows the man approaching the law enforcement officers without any items in his hands. He is alone and clearly does not pose any threat, does not commit any violent or illegal actions. The officers were able to clearly see that the person approaching them did not pose any threat to them. Nevertheless, one of them fired a shot, allegedly from a traumatic firearm, into his chest area. The man fell to the ground after the shot, and a huge blood stain is visible on his shirt in the chest area. As it later became known, he died as a result of an open chest wound and extensive blood loss. According to the Minister of Internal Affairs Karayeu, Taraikouski "could have been shot from a non-lethal weapon"[10].

The police officers could have arrested Taraikouski if there were legal grounds for that, without the use of riot gear and, moreover, weapons. However, one of the police officers fired a shot at Taraikouski from close range, which resulted in his death.

In this case, there is every reason to assert that the police officer committed a criminal offence that resulted in the death of a person. The deprivation of life of Aliaksandr Taraikouski is arbitrary within the meaning of Article 6 of the International Covenant on Civil and Political Rights, since, pursuant to paragraph 12 of the General Comment No. 36 of the UN HRC, it contradicts both international and domestic law.

No criminal proceedings were instituted into the murder of Aliaksandr Taraikouski. The perpetrators of his death were not identified and were not brought to justice.

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8 Human rights defenders possess a list of those who applied for medical assistance during and after street events from 9 to 21 August, compiled by the Minsk City Ambulance Station, which includes information about 1,141 people who received bodily injuries of varying severity.

9 https://t.me/euroradio/5296

10 https://www.pravda.com.ua/rus/news/2020/08/16/7263122/

The death of Henadz Shutau

On 11 August, a resident of Brest Henadz Shutau was wounded in the head as a result of the use of a service weapon near the building of the Maskouski district administration. On 19 August, Shutau died in a military hospital in Minsk.

According to the Investigative Committee, on 11 August, *two men attacked police officers in Brest.*

According to the Committee's spokesperson, "during the attack, the men inflicted blows using a metal pipe, and attempted to take possession of firearms, which is confirmed by materials possessed by the investigation.

It is currently established that the law enforcement officers used physical force in order to suppress the illegal actions of the attackers. One of them, perceiving the actions of the suspects as a real threat to his life and health and stopping attempts to take possession of a service weapon, used the weapon against the attacker, firing in the direction of the shoulder. However, due to the long active resistance from the man, he unintentionally wounded him in the head."[11]

The Investigative Committee also announced that they would give a legal assessment of the actions of the attackers. They will also assess the lawfulness of the use of weapons by the police.

However, a video of the events released later casts serious doubt on the official version voiced by the Investigative Committee. The video shows three police officers in civilian clothes approach Shutau and his friend. Further, it is possible that some kind of a brief conflict may have arose between them, as a result of which Shutau rushed to run away, and one of the officers in civilian uniform chased him. It was at this moment that three shots from a gun were heard and Shutau was wounded by one of them.

At least three important conclusions can be drawn from the video, indicating the untruthfulness of the official version of Shutau's death.

Firstly, Shutau did not attack the police officers with a metal pipe in his hands. The plainclothes officers themselves approached Shutau and his friend, who were sitting on a bench.

Secondly, even if a conflict arose between them and Shutau offered active resistance, the conflict was very short, contrary to what the law enforcement agencies claim.

Thirdly, officers in civilian clothes with special fighting skills were able to detain Shutau, if that was necessary, without using service weapons, especially since the presence of police and riot police officers in this part of the city at that moment was very high and they could have called for the necessary reinforcements.

Even if we admit that the situation required the use of weapons, the police officers should have used them in such a way as to inflict the least harm on Shutau and to avoid damage to vital organs, rather than shooting him in the head.

No full-fledged investigation was carried out in the framework of the criminal case initiated after the incident. The results of the probe and the identity of the officer of the Ministry of Internal Affairs who shot Shutau are still unknown.

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[11] https://euroradio.fm/ru/sledstvennyy-komitet-zayavil-chto-umershiy-v-breste-shutov-napadal-na-milicionerov

In addition, the prosecution authorities refuse to provide information to human rights defenders on the number of those killed and wounded during the protests, arguing that the information is not public, or referring to the absence of such information as such[12].

The death of Aliaksandr Vikhor

A resident of Homel, Aliaksandr Vikhor, was detained by police officers for participating in an unauthorised assembly on 9 August and, in accordance with a court ruling, was brought to administrative responsibility in the form of detention for 10 days under Art. 23.34 of the Code of Administrative Offences (organization of or participation in an unauthorised mass event). On 12 August, he was sent to serve the sentence in the temporary detention facility, but collapsed during transportation in a police van. According to the official version, he was hospitalized and died in the hospital.

The mother of the deceased told a different version of what happened.

Due to overcrowding of the temporary detention facility, it took hours to unload the transport vehicles and the detainees were forced to stay inside for hours, without access to fresh air. Aliaksandr Vikhor was in one of the police vehicles, and eventually collapsed due to a heart problem. He started screaming and asking for help, but police officers believed that he needed psychiatric help and took him to a psychiatric hospital, where a doctor, realising that Aliaksandr needed different assistance, called an ambulance.

Aliaksandr Vikhor was taken to the nearest hospital, where, despite the measures taken, he died. His mother was not allowed to see her son's body. She suspects that Aliaksandr was beaten.

The Investigative Committee has launched a probe into the death of Aliaksandr Vikhor and links it to the latter's alleged drug addiction.

It should be noted that police officers are obliged to take measures to provide the necessary medical assistance.[13]

The police officers did not take any urgent necessary measures to provide medical assistance to the administratively arrested Aliaksandr Vikhor, and instead of calling an ambulance, they took him to a psychiatric hospital. Taking timely medical measures could have saved Aliaksandr's life.

No full-fledged investigation of all the circumstances of Vikhor's death has been carried out and no criminal case has been opened.

Recommendations:

– Initiate criminal cases and conduct full-fledged investigations into murder by police officers of protesters Aliaksandr Taraikouski and Henadz Shutau, as well as the death of Aliaksandr Vikhor, who was detained by the police and subsequently punished by an administrative detention, in order to establish those responsible for their deaths and bring them to responsibility under the law;

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12 https://spring96.org/ru/news/99197

13 Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required. Code of Conduct for Law Enforcement Officials. Adopted by UN General Assembly resolution 34/169 of 17 December 1979.

- Initiate criminal cases and conduct full-scale investigations into the deaths of Mikita Krautsou, Kanstantsin Shyshmakou and Aliaksandr Budnitski. In the event that the perpetrators of their deaths are identified, bring them to justice as prescribed by law;
- Provide reliable information on the number of people killed and wounded during attempts to forcibly disperse the assemblies by law-enforcement officers during the period from August 9 to 13, 2020;
- Conduct an investigation into all the facts of the use of riot gear and weapons against individuals who took part in the demonstrations, as well as all the facts of injuries and mutilation as a result of the use of weapons by officers of the Ministry of Internal Affairs;
- Provide all the victims of disproportionate and illegal actions of police officers with effective remedies, take measures to restore violated rights and pay adequate compensation.

Arbitrary detention

According to the Ministry of Internal Affairs, more than 6,700 people were detained during the mass protests, which took place both in Minsk and in other cities throughout the country from August 9 to 12.[14] Among the detainees were both direct participants in the protests and people who did not participate directly.

As follows from the testimony of the detainees interviewed by the HRC "Viasna" and the Belarusian Helsinki Committee, many of them were detained solely because they were in the area where the protests were being held. In many cases, police officers first carried out the arrest and then began to search for legal grounds for detention. Such "grounds" often included the presence of subscriptions to any of the opposition Telegram channels in the detainee's smartphone, or symbols, such as a white ribbon or red and white flag, allowing officers to affiliate the detainee with the opposition movement or with alternative presidential candidates. **These grounds point to the arbitrary nature of such detentions, since they lack any legal basis under national or international law.[15]**

Detention procedures in national law

The procedures for the detention of individuals under national legislation differ depending on the types of committed unlawful acts. Participation in unsanctioned assemblies, the most common charge among the detained individuals, is an administrative offence. Accordingly, the procedures for the detention of individuals in connection with an administrative offence and commencement of an administrative proceeding in relation to them are governed by the rules of the Code of

[14] Official Telegram channel of the Ministry of Internal Affairs of Belarus: https://t.me/pressmvd

[15] In accordance with Art. 9 of the ICCPR everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

Moreover, the ICCPR establishes that an individual who is the victim of arbitrary detention is entitled to compensation. Art. 14 of the ICCPR expressly stipulates the right to a fair trial: "All persons shall be equal before the courts and tribunals."

The UN HRC clarified terms such as "arrest", "detention" and "arbitrariness". Most important in this clarification is the understanding of the term "arbitrariness", which should not be equated with the term "illegal" but should be understood more broadly, including concepts such as inappropriateness, injustice and lack of predictability.

Arbitrary detention is a violation of the right to liberty.

Administrative Offences (KoAP) and the Code of Procedural Execution on Administrative Offences (PIKoAP).

Pursuant to Republic of Belarus Law No. 263-Z “On Bodies of Internal Affairs of the Republic of Belarus” dated 17 July 2007, the activities of bodies of internal affairs shall be founded on “the principles of legality, respect, observance of the rights, freedoms, and legal interests of citizens, and humanism.” Officers of bodies of internal affairs may only place restrictions on the rights and freedoms of citizens in cases stipulated by laws or other legal acts of the Republic of Belarus. Any time an officer places restrictions on the rights and freedoms of a citizen, the officer must explain the grounds for such a restriction, as well as the citizen’s rights and responsibilities that arise in this connection.

Only individuals falling within certain strictly defined categories who have not committed socially dangerous acts could be brought in for questioning to the police departments. These categories include persons of no fixed abode (to determine their identities, check their names against police records, or provide them with social or medical assistance) and persons displaying signs of a mental disorder or illness, whose actions create a clear threat to themselves or the people around them (to take them to a healthcare facility or their homes).

Under the law, agents of internal affairs have the right to detain and place in detention facilities or other places of confinement maintained by them only:

- individuals in relation to whom administrative proceedings are in process;

- individuals sentenced to administrative arrest;

- and other categories of individuals directly stipulated by law:

- suspects or defendants in criminal cases,
- individuals subject to forced deportation or removal from the Republic of Belarus,
- individuals being sent to medical labour centres, and
- minors, as part of measures taken to prevent neglect or juvenile delinquency.

Where there are causes and grounds (these concepts are separate in Belarusian law) to start administrative proceedings, these proceedings are deemed to have started from the time a report on an administrative violation or a procedural action is compiled, or a ruling is issued on measures to establish administrative proceedings, or from the time of an individual’s administrative detention.

A detailed list of causes and grounds for starting an administrative proceeding is set forth in Article 9.1 of the PIKoAP. Causes for starting an administrative proceeding are: a statement from an individual; a communication from an official at a government body, an NGO, or any other type of organization; and direct discovery of the indications of an administrative violation by a court or body leading the administrative proceeding. Grounds for starting an administrative proceeding are: sufficient data indicating signs of an administrative violation as stipulated in the articles of the Special Part of the Code of Administrative Offences, if no circumstances exist that would exclude an administrative proceeding (Article 9.5. of the PIKoAP). In addition to the above, from the time a ruling is issued on the imposition of an administrative penalty, in such cases where, pursuant to parts 2 – 31 of Article 10.3 of the KoAP, a report on an administrative violation is not compiled (when guilt is admitted, or under other circumstances).

Administrative detention of an individual involves placement of short-term restrictions on the freedom of the individual in relation to whom the administrative proceeding is being conducted,

for an administrative violation committed by this individual, the delivery of this individual to a place determined by the body leading the administrative proceeding, and the confinement of this individual at this place (Article 8.2. of the PIKoAP).

This means that no mere *suspicion* of the commission of an administrative violation or preventive or other considerations may serve as grounds for starting an administrative proceeding or detaining an individual, even for a short period.

Specifically, pursuant to Article 8.4 of the PIKoAP, only an individual in relation to whom administrative proceedings are being conducted may be detained for a period of up to three hours.

Persons who are charged with committing an offence that might entail liability in the form of an arrest or deportation, may be detained for more than three, but not more than 72 hours.

Any other actions taken by representatives of internal affairs bodies must be carried out without detaining the individual. Specifically, representatives of internal affairs bodies have the right to check an individual's identification at guarded facilities or when they suspect that this individual has committed a crime or administrative violation and to summon an individual in relation to proceedings, criminal cases, or cases of administrative violation that are in process.

The practice of arbitrary detention of individuals during the protests of 9-12 August

Informing about the reasons for detention

In most cases, police officers did not inform the detainees about the reasons for their detention. Citizens were simply detained because they were in the immediate vicinity or in the area where the demonstrations were taking place. Moreover, in a number of cases, citizens were detained in vehicles in which they were either drivers or passengers.

23-year-old **Ihar Kviatko** was detained on 11 August while going by taxi:

"At about 10.30 pm on 1 August in the Sierabranka district, we got stuck in a traffic jam. OMON (riot police) officers appeared and took us out of the taxi. They put me face down on the asphalt, beat me on my legs and back, and searched the car. They began to threaten me by saying, *"It was you who threw a Molotov cocktail!" and hit me with an electric shocker. After that, I was taken to a police van, in which there were conscripts. There they just started... killing us, one may say. It was the conscripts who did it."*

M.[16], a resident of Minsk:

> *"At 11.30 pm on 12 August 2020, I was near the KFC restaurant at 101A Prytytski Street in a car together with my friends Hanna, Aliaksandr and Natallia. I was in the front passenger seat. A minibus pulled up abruptly and blocked the traffic. Unknown people in balaclavas ran out of it carrying weapons. They told me and Aliaksandr to get out of the car and get into the minibus.*
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> *There were about eight men in the minibus. They were lying on top of each other in stacks. It was very difficult to breathe for those who were below. One of the men was carried away*

[16] Among those who reported information about torture, many agreed to provide their full names; some requested that their full names be omitted, while others requested that only their names be omitted. In this part of the report, the authors decided not to provide full names in all cases in the interests of the respondents' safety.

in an ambulance. Unknown people in balaclavas checked the Telegram application on their phones. If someone refused to unlock the screen, they threatened to break their fingers. If they did not like the Telegram channels, they beat them. They also asked who they voted for in the elections, looking for white wristbands."

Piotr Kiryk, a minor from Minsk, was detained on 12 August at about 11.15 pm, when he and a friend were getting off the bus (between the Malinauka and Piatroushchyna metro stations):

"Two masked people in civilian clothes approached us. They told me to come closer. I took a step towards them and they grabbed my hand. Frightened, I pulled my hand and ran several tens of meters. But he said, "Stop or I will shoot!" and I stopped. He ran up, twisted my hands behind my back and led me towards a blue minibus parked in the yard. They bent me down on my knees and hit me several times with a baton. Then they threw me to the ground. I was sitting on the ground and was hit several times with a baton on many parts of my body: my back, legs and hips. Then they put me facing the side of the minibus and searched me. They took out my smartphone and demanded the password. I said I forgot it. After that, a blow came on the arm with a baton."

Mikita, a 21-year-old resident of Minsk, describes the events leading up to his detention on the night of August 9-10 in Minsk as follows:

"*We went to Burger King in Niamiha Street, where we met with a friend to go for the car, which was parked in Vera Kharuzhaya Street. We approached the bridge, but they didn't let us pass. They told us to go to the Sports Palace, because they said we could pass there. We went there. There they sent us away, threatening to arrest us. One said, "Guys, go further, towards Frunzenskaya [metro station], you can pass there". In some roundabout way, we came to the monument "Minsk, Hero City". There was a police van, and next to it, on the footpath, there was a man in a mask, in black clothes. We saw that some girls were walking calmly, and we thought that everything was fine. But when we caught up with the police van, three men in black wearing balaclavas jumped out. They had stripes on their chests: a triangle and three numbers. The three men surrounded me, one more approached my friend. Someone pulled out a truncheon. They said, "Guys, show us your phones, show your pockets, what's in your bag?" I didn't have much with me. I took out my phone and unlocked it for him. He looked it through and said, "Show me your pockets." I had money, keys and a white ribbon in my pocket. When he saw the white ribbon, he said, "That's it!"*

Procedure for conducting administrative proceedings in relation to detainees

The administrative process began from the moment of drawing up a protocol of an administrative offence against the detainee. In some cases, such protocols were drawn up after the detainees were brought to either the police department or to the detention centres. First, the detainees were identified, then the protocols were drawn up and presented to them for signing. In case of refusal to sign the protocols or expressing disagreement with what was written in them, people were subjected to additional beating.

Siarhei M., a resident of the city of Minsk:

"At night, at about 2 o'clock, the detention facility officers gave me the protocol and took me out into the yard. There were again riot policemen who had beaten me with batons. I was again severely beaten because I wrote in the protocol that I did not agree. During the beatings, they forced me to sing the national anthem of Belarus. After the beating, I almost lost consciousness, I saw a veil before my eyes. Before letting me go, they told me not to

> *approach the people who were standing outside the facility, "You run away and don't look back, don't talk to anyone, otherwise we'll catch up and beat you up again."*

Police officers subjected the detainees to physical violence and psychological pressure. Their rights were not explained, copies of the protocols of administrative offences were not issued.

In a number of cases, after three days spent in a detention centre, individuals were released without charges or any explanation of the reasons for their detention.

Some of the detainees who faced administrative charges stood trials organized directly at the detention centres in Minsk and in Zhodzina. The judges of the district courts arrived to conduct field hearings and issue orders of administrative penalties. Given these circumstances, those brought to administrative responsibility were practically deprived of the opportunity to take advantage of the right to legal defence guaranteed by Article 62 of the Constitution.[17]

It should also be noted that the Ministry of Internal Affairs did not inform the families of the detained and arrested individuals about their detention and location. Due to the large number of detained and arrested protesters, the system of the Ministry of Internal Affairs was not ready to ensure the rights of detainees. As a result, many families for several days remained completely unaware of the fate of their loved ones, many had to report them missing. This kind of treatment caused additional moral suffering.

Recommendations

- Immediately end the politically motivated arbitrary arrests, prosecution and all other forms of persecution of citizens of Belarus in connection with the exercise of their civil and political rights;
- Revise the legislation on administrative offences in order to bring it in line with international standards in the sphere of administration of justice, developing legal guarantees that would rule out the possibility of unjustified charges of committing administrative offences and arbitrary detention of citizens before the case is considered by the court. In particular, the charge of an administrative violation should be considered justified only if it is supported by objective evidence, including the testimony of witnesses who are not interested in the outcome of the case;
- Conduct effective impartial investigations against persons who have violated the rights of citizens, including, and especially, in each case of illegal imprisonment, and provide an effective remedy to the victims of arbitrary arrests and prosecutions;
- Establish rules for the provision of legal assistance to detainees in administrative cases (where a person can be sentenced to administrative arrest or deportation as a penalty) according to the rules identical to the criminal procedural legislation;
- Establish reduced, in comparison with those specified in the current law, deadlines for the review of cases by a higher court in appeal hearings of administratively arrested persons; replace in these cases, in the very least, the advance payment of the court fee with its collection in case the appeal is rejected;
- Provide legal possibilities of suspending the execution of administrative arrest by a judge or by a prosecutor in case of an appeal against the decision;

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[17] Art. 62 of the Constitution of Belarus: Everyone has the right to legal assistance for the exercise and protection of rights and freedoms, including the right to use at any time the help of lawyers and their other representatives in court, other state bodies, local government bodies, at enterprises, institutions, organizations, public associations and in relations with officials and citizens. In cases provided by law, legal assistance is provided at the expense of public funds. Opposition to the provision of legal assistance in the Republic of Belarus is prohibited.

- Oblige the authorized officials of state bodies to inform the relatives of the detained persons about their detention and their location;
- Oblige the courts to publish information about the place and time of consideration of administrative cases;
- Put an end to the practice of unjustified consideration of administrative cases outside the court buildings, e.g. in detention centres, as well as via videoconferencing. Mandatorily observe the principle of open and public consideration of administrative cases;
- Stop the practice of considering administrative cases with the participation of anonymous witnesses, police officers (in masks), with changed personal data.

Torture and Other Inhuman or Degrading Treatment or Punishment

National legislation on combating torture and prohibited forms of treatment

In Belarusian legislation, the concept of torture is enshrined in the Criminal Code in the footnote to article 128 Crimes against the security of mankind. Torture means “any act by which a person is intentionally inflicted with severe pain, physical or mental suffering in order to compel this person or a third person to act contrary to their will, including to obtain information or confessions from them, including to obtain information or confessions from them, as well as for the purpose of punishment or for other purposes or for any reason based on discrimination of any nature when such pain or suffering is caused by a public official in an official capacity, using his [or her] official powers, or at his [or her] instigation, or with his [or her] knowledge or tacit consent. This definition does not include pain or suffering arising from the application of procedural or other legal coercion.” The definition is consistent with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Art. 128 Crimes against the security of mankind of the Criminal Code covers “deportation, illegal detention, enslavement, mass or systematic executions without trial, kidnapping, followed by disappearance, torture or acts of cruelty committed in connection with racial, national, ethnicity, political beliefs and religion of the civilian population.”

Art. 426(1) Abuse of power or official authority of the Criminal Code establishes: “The deliberate commission of actions by an official that clearly go beyond the rights and powers granted to him [or her] in the service, resulting in large-scale damage or significant harm to the rights and legitimate interests of citizens or state or public interests” is punished. Under Art. 426(3), for the qualification of a crime, it must be “committed by a person occupying a responsible position, or entailing grave consequences”, the article also covers “intentional commission of actions by an official that clearly go beyond the rights and powers granted to him [or her] in the service, associated with violence, torment or insult the victim either by the use of weapons or special means.”

According to Art. 455(1) Abuse of power, excess of power or inaction of power (for persons who are subject to the status of military personnel) of the Criminal Code “abuse of power or official powers by a chief or official, excess of power or official powers, deliberate inaction of the authorities, committed out of selfish or other personal interest, resulting in large-scale damage or significant harm to the rights and legitimate interests of citizens or state or public interests” is punished. The qualifying signs of such a crime are an action “involving violence or committed with the use of weapons” (Art. 455(2)) or actions “committed in time of war or in a combat situation, or entailing grave consequences” (Art. 455(3)).

Thus, not all actions that fall under the definition of torture are criminalized by the Criminal Code of Belarus. However, the existing legal norms allow to prosecute those persons who, in the status of an employee of the internal affairs bodies or a serviceman, committed acts of torture and other acts of cruel, inhuman, degrading treatment.

The limitation period for criminal prosecution based on art. 426(3) and 455(3) of the Criminal Code is 10 years from the date of the act under the art. 83(1)(3). According to Art. 85(4) of the Criminal Code, exemption from criminal liability or punishment due to the expiration of the statute of limitations does not apply to crimes against the security of mankind.

In accordance with Art. 40 of the Criminal Code, it is not a crime to harm the interests protected by the Criminal Code by a person acting in pursuance of a binding order or instruction issued in accordance with the established procedure. The person who gave the unlawful order or order is criminally liable for causing such harm. A person who has committed a deliberate crime on a knowingly criminal order or instruction shall bear criminal responsibility on a general basis.

International obligations of the Republic of Belarus in the field of preventing and combating torture and other prohibited types of treatment.

The Republic of Belarus has signed and ratified the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has not been signed by Belarus however. Belarus is not a party to the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Belarus has not signed or ratified the Rome Statute of the International Criminal Court.

Torture, cruel, inhuman and degrading treatment of detained protesters, political opponents of the authorities and innocent bystanders between 9-13 August 2020 in Belarus[18].

Even before the start of the post-election protests crackdown – until 22:00 on 9 August 2020, the first detentions of citizens were carried out in Minsk: voters, independent election observers, and supporters of democratic presidential candidates.

Yauhen R. reported,

> *"I was detained by riot police at about 20:30, while standing behind the fence of gymnasium No. 6 on Uskhodniaya Street in Minsk and waiting for the voting results at the polling station. Riot police took me to the bus, where there were already 4 detainees, including Belsat journalist Stas Ivashkevich. They searched me, gave me a sack to put my stuff in, and tied my hands. We were guarded by 5 policemen. A few hours later, we were taken to Akrestsina detention centre, where police took our belongings, wrote down our data and videotaped us. They put us in a cell on the 2nd floor, it had 3 beds for about 15 detainees, bare planks of wood, a hand sink and a toilet. Due to lack of beds we slept side by side, wherever we could. 10.08.2020 The first day they did not give us any food, while water was only in the tap. In*

[18] The report provides only some of the most typical examples of the use of torture, violence and ill-treatment by members of special units. More than 500 people applied to the Human Rights Center "Viasna" in total, more than 300 of which were interviewed on video.

the evening, they gave us only one loaf of bread for all. When we asked why we were detained, we were told that we were not detained."

During the detention, protesters, absolute majority of whom did not attack the police units and did not resist, were subject to ill-treatment. At the same time, police used brutal physical force, weapons and special means without legal grounds:

Andrei H. reports,

> *"We decided to surrender after the riot police started to surround us and we realized that we had nowhere to go. Me and my friend laid down on the ground, putting our hands behind our heads. At that time, a group of riot police ran up and started beating us mercilessly with batons while we were just lying on the ground, not showing any resistance. All this was accompanied by shouting that we are filth and traitors." Andrey H. was detained at 23:00 on 9 August 2020 and was placed in a detention centre. "The cell looks like this: 5x4 meters room, wooden floor, 4 wooden bunk beds, a toilet, 1 window and 2 bedside tables with sheets of toilet paper and 4 pieces of soap on them. There were about 25-30 people in the cell, all the guys were beaten. Most of them were independent election observers from different polling stations."*

Even innocent bystanders were subject to brutal detention:

Vitaly H., who was walking down the street after work at 17:10 on 10 August,

> *"saw a blue Ford transit minibus without license plates approaching on the left side of the roadway. Four members of riot police got off the minibus and ran in my direction. Without introducing themselves or explaining the reason for my detention, they took me to their vehicle. They told me to get on my knees and to put my face on the floor. After that, they began to hit me with their hands and feet on the torso and limbs."*

On 10 August, **Maria and Yuri A.** received a short message from their son about his detention. After searching for him, they came to the building of the Centralny district police department of Minsk. After a while, at 22:45, the police took them and 12 other people (among them – Andrei and Krystsina V.), who were also looking for their relatives, to police buses. All of them were brought to detention centre where *"they were beaten with batons and fists like cattle. After that, they were taken to a room with bloodstains on the floor. People were forced to face the wall with their hands behind them. Each of the women was asked their full names, place of detention and year of birth. At the same time, employees of the detention centre hit women in the face shouting "Hurry up, bit[censored]h! Where did you learn to speak Belarusian?" Women were pulled by the arms and pushed into the rooms for undressing. Inventory of stuff was not made. They took my bra with breast prostheses… Female warden (the blonde about 35 years old) ran up, pulled my handkerchief off, shouting: "Grandma, you were standing on the square", slammed me against the wall and dragged me into the corridor using foul language. They put everyone on their knees against the wall and kicked us. They brought our naked husbands shouting, swearing and hitting all parts of the body with a baton. Then we were taken to the cell on the second floor. They knocked us to the floor, and made sure no one avoided being hit with a baton and kicked."*

Among the innocent bystanders who were detained for no reason, the police officers targeted those who could be considered political opponents of the regime because they had some symbols on them or in their belongings. The police also checked their phones for VPN apps, subscriptions to certain Telegram channels, photos of protests, and searched for ballot papers or vote counting documents, all of which were considered enough reasons enough for detention.

Siarhei M. reports,

> *"People in balaclavas checked the presence of Telegram app on phones. If someone refused to unlock his phone, they threatened to break his fingers. If they didn't like Telegram channels that were on the phone, they beat people. They also asked who people voted for in the elections and looked for white bracelets." Mikita B. reported, "While searching backpacks and bags, the police beat people for stuff that could at least hint at the fact that people were affiliated with the opposition or took part in the rally, including protective equipment, medicines, white ribbons, and white-red-white flags."*

At the same time, the detained innocent bystanders who had no signs of opposing the authorities could be released without violence.

Mikita H. from Minsk reported,

> *"Two of our friends were released (a married couple, they had passports in their hands and nothing was found in their phones either)."*

People who provide medical assistance as volunteers to injured protesters, journalists, foreigners, people with non-traditional appearance (dreadlocks, coloured hair, tattoos, piercings, etc.) constitute separate categories of victims of torture and prohibited treatment.

Andrei H. reported,

> *"I heard a guy saying that he had a residence permit in Belarus and lives here permanently. Policemen began to beat him severely saying "bit[censored]h you came to Belarus to organize the Maidan, I will kill you." He said a lot of terrible things, but I didn't remember all of them because they started interrogating me. I was asked what media I work for. At that moment I looked at the guy from Ukraine - he couldn't get up on his own, so two more policemen in civilian clothes came up and dragged him in an unknown direction."*

On 11 August, **U. S.** and her friend (both medical doctors) saw a man lying unconsciously and a guy with a broken head in Minsk in the area where the protests took place. They got out of the car and were going to provide medical assistance. However, they were detained: *"We were seized by riot police shouting "who gave you money for medicines, bastards?" They took us to a police van. I was not beaten, but this is a photo of my friend, also a doctor [traces of beating with a baton]."* After a night in the District Department of Internal Affairs with humiliating conditions, my friend was convicted of participation in illegal rally: *"they said that I participated in illegal rally, shouted opposition slogans, stood with a placard. Although I only had a stethoscope, gloves, band-aid, bandage and disinfectant, they took it away."*

Places where detainees were subject to torture and cruel, inhuman or degrading treatment

The beating of detainees could start right on the street. It was not necessarily connected with participation in peaceful protests. The absence of legal grounds for the use of physical force, weapons and special means indicates that the purpose of their use was exclusively to punish participation in political processes, protests, support of protesters, as well as to compel them to refrain from participating in protests and to show the content of their mobile phones.

Andrei B. reported,

> *"On 10 August, I went to the centre of Minsk to support guys through a peaceful picket (public expression of protest without a march). I was just walking down the street on the*

sidewalk. Not far from the Niamiha district, people in military uniform attacked me and started beating me with batons. It was at about 22:00.

Mikalai B. reported,

> *"Traffic police took me out of the car. They shouted and told me to put my hands up. After that, they put me on the hood of the car, searched me, putting my hands behind my back. They also made me face the land right on the avenue, sitting with their knees on my back. Traffic police used foul language in relation to us. They said that riot police would deal with us… When riot police arrived, they used foul language as well saying that we were in trouble at that very moment. They started hitting us on the legs with a baton right on the street and hit us in the kidneys with fists. I didn't see their faces, they made me look at the ground and twisted my hands."*

Yan L., who was detained on 11 August near the Riga store in Minsk, reported,

> *"We were surrounded by riot police. I ran to the store and they started beating me there, later they took me to the back yard and continued to beat me. When I was taken to the bus they made several shots [with a paintball gun] in my groin area."*

The majority of the detainees reported that they had been subject to cruel and humiliating treatment in vehicles: they laid on the floor, sometimes piled up in several rows on each other; policemen walked on them with their feet, or forced detainees to walk over other detainees, deprived them of access to air and medical care. Besides, detainees and arrested persons were beaten in vehicles, which were used not only for transportation, but also served as a place of detention for several hours.

> **Vitaly H.** was hit with a baton in the right cheekbone by a riot police officer sitting in front of him. As a result, 3 teeth were damaged. Then the officer asked, *"So, do you say it was lawful to hit you?" Further, during the examination of my phone and personal belongings (backpack), riot policemen punched me with their hands. ... After about 5 minutes, I was brought to a yellow MAZ bus. There were about 10 members of riot police, special equipment, and elements of uniform. After being hit from behind, I fell on the platform near the central doors and then the officers began to hit my entire body with their hands, feet and batons from all sides. Almost all members of riot police inside the bus took part in the beating. After I was picked up, they started laughing and punching me in the head with their hands, asking questions similar to the previous ones. Then a series of kicks and punches pushed me to the back seats, where I fell. Two policemen sat on both sides of the seats, and one stood in the aisle. They started hitting me everywhere on the body (I was sitting on their right side). The member of riot police standing in the centre asked, "Did you sh[the act of defecation]t yourself?" I said no. After that, he said, "Give me a baton, I will now make him sh[the act of defecation]t himself" and started hitting my hip and buttock every 20 seconds. The member of riot police in the left seat shouted, "put your hands down and do not cover your face (he constantly hit me in the head)." I was forced to shout opposition slogans and to sing the song "Changes" by Viktor Tsoi. All this was accompanied by beating and phrases "here's your changes" (they constantly used foul language and insulted me). After about 10 minutes, I was brought to the police van. They pinned me to the floor and hit my body several times with their hands and batons. In this vehicle, I was the first detainee. Gradually, within half an hour, they began to bring other detainees, the sounds of beating were heard. There were about 6 people in one compartment of the police van, one man (about 45 years old) was leaving the store with purchases and was detained, a guy (about 25 years old) was standing near the entrance to the building and smoking when he detained was detained. At*

> *about 18:00, the police van was filled ... they began to transfer detainees to another police van. This was also accompanied by beating with batons. They tried to hit especially those who had some photos of rallies or something in personal belongings (something oppositional).”*

Detainees were subject to torture, cruel, inhuman and degrading treatment in various buildings and premises (either adjusted for the detention or not).

In Minsk, detainees were taken to places of detention according to various schemes: to the detention centres or Prison No. 8 in Zhodzina, with prior visit to one of the district police departments or directly to the detention centres. Detainees were held either in the premises for detainees or in other premises – sports halls or just on the territory of the district police departments in the open air.

In Brest, detainees were held in various places: in the district departments of internal affairs, detention facilities, and in the holding cells of the Brest regional court.

In Hrodna, detainees were held in the following places: in the district departments of internal affairs, in the local prison, and in the military unit 2141 of the State Border Committee.

In Lida, a car wash for departmental vehicles of the local police department and military unit 1234 of the State Border Committee were used as places for detention.

Detainees were subject to torture, cruel, inhuman, or degrading treatment in at least the following police units, with the participation, approval, or tacit consent of the employees of these units:

- In Minsk: the Departments of Internal Affairs of the Centralny, Kastrychnitski, Zavodski, Leninski, Maskouski, Savetski, Partyzanski, and Pershamaiski districts, and the Main Directorate for combating organized crime and corruption of the Ministry of Internal Affairs;
- In Homel: Department of Internal Affairs of the Centralny district administration;
- In Vitsebsk: Department of Internal Affairs of the Chyhunachny district administration;
- In Hrodna: Department of Internal Affairs of the Kastrychnitski and Leninski districts;
- In Mahiliou: Department of Internal Affairs of the Leninski district;
- In Brest: Department of Internal Affairs of the Leninski and Brest city districts;
- Departments of Internal Affairs of Maladechna, Orsha, Barysau, Drahichyn, Lida, Biaroza, Kobryn, Ivatsevichy, and Zhlobin districts.

Torture in the Detention Centre of Minsk city department of internal affairs (aka Akrestsina CIP)

In Minsk, detainees were beaten before being taken to detention centres, as stated by all respondents who were there after 9 August.

> **Andrei H.** reported, on 10 August *“After we reached Akrestina detention centre, they started throwing us out of the police van like cattle, not even allowing us to step properly on the steps. All this, of course, was accompanied by blows to the stomach, back, legs and head. Then we were taken to the yard, where we saw two rows of riot policemen. They made us run to the building through the rows and hit us with batons while we were running. Next to me there was a guy who was severely injured by a shrapnel, he was given medical assistance*

> *only after we took off our belts and got our laces off shoes." Siarhei M. reported, on 12 August "There was a "corridor" of riot police. When I ran through this corridor, they beat me with batons on the torso and head. One of the blows reached my temple. In the yard of the building, I was put on my knees with my hands on the wall."*
>
> **Anton K.** reported, *"On 13 August 2020, at 04:00 am, riot police took me to the yard of the detention centre and beat me with batons. The beating was accompanied by insults, threats of violence and murder. As a result, I suffered the following injuries: impact injury and abrasions of the left and right knee joint, bruises and injuries of the muscle tissue of both legs."*

Many people described the procedure of release from the detention centre on 13-14 August, which was accompanied by a beating:

> **Yauhen** reported, *"They made me face the ground and started beating me. At the same time, they were asking questions. We were beaten angrily for a short period of time but without breaks (for 10 minutes). It was important to give what they thought were the correct answers, if the answer was wrong, we were beaten harder. If the answer was correct, they did not hit us so hard. When at the end of the day I realized that I had participated in a coup d'etat (they stopped beating me after I said that), I was forced to do squats. It is very hard to squat with battered legs, by the way. At least we could scream with pain without risking being hit. Those who could not squat were beaten again."*

Torture in the buildings of district departments of internal affairs

Dzmitry Zh., who was taken to the Pershamaiski district department of internal affairs on the night of 9-10 August:

> *"We were forced to stand for about 10-11 hours looking at the wall with our hands behind our backs. Riot police shouted at the detainees. We were forced to shout "I love riot police" and "I love Lukashenko". Riot police joked and laughed during the beating.*

Siarhei E., who was held from 10 to 11 August in the Kastrychnitski district department of internal affairs, says he experienced:

> *"beating with batons and kicking, as well as negative psychological pressure while in Kastrychnitski district department of internal affairs. Also, all the detainees spent several hours lying in the yard of the department, with their hands tied."*

Yury H. was in this Department of Internal Affairs on the same day:

"hands behind the back, kneeling, lying on the concrete floor for about 10 hours with my hands tied. Beating for refusing to sign protocols."

Uladzislau D. was kept in Partyzanski district department of internal affairs:

> *"there were drops of blood on the floor, and in some places, there were puddles of blood. People were beaten and their screams were heard. After searching, fingerprinting, taking photos and videos of us, they took us to the basement again. We spent about 10-12 hours there. We were forced to lie on the cold concrete floor and to stand for hours with hands on our head facing the wall. They made us stay in different uncomfortable positions and did not allow us to look at anything except the wall or the floor."*

Arseny A., who was taken to Zavodski district department of internal affairs on 10 August, reports:

"beating, insults, threats, we were lying all night in the parking lot in the open air with our hands tied. Law-enforcement officers bullied people and recorded this on their mobile phones. Also, several detainees, who were held in this Department, told me about a detained 15-year-old teenager, who was beaten along with adults."

Yahor A., who was taken to Maskouski district department of internal affairs, reported:

"They threw us on the concrete floor, twisted our hands behind us, pressing our heads into the concrete floor with their boots (traces of the boots on our face remained in the photo). They tightened the handcuffs and took us to the assembly hall. I saw puddles of blood there. They threw me on the floor near the door, walked all over my body in boots, threw detainees at me, beat me until I had an epilepsy attack ... They made me stay against the wall and severely beat me with batons on my naked body and head. At 6:00 am, member of the riot police picked me up by the hair to see if I had a brain concussion. He threw me back to the fall ordering not to look around. But I saw that the assembly hall was filled with men, women, girls and teenagers. They all were beaten until they started to stink. At 8:00 on 11 August, after the fifth or sixth beating, I was released."

It should be noted that the level of aggression of police officers, the goals and methods of torture and prohibited treatment were similar in different places and even in different cities.

On 12 August, **Ya. V.,** was in Lida (Hrodna region):

"When we were lying or sitting they beat us badly with batons or knees (in equipment) on the legs and buttocks. They stepped with their shoes on bare feet and humiliated us in every possible way. They called me a fag, and 'perforated' because of my earring, and poked my anus with a baton. They pulled my earring, tearing the earlobe. We were swilled with water. All this took place in the Lida department of internal affairs. Especially newcomers (detainees) were beaten severely. We were put with the face the floor and it was forbidden to move. If you move, you will be beaten. If you moan in pain, you will be beaten as well.

Viktar P., was there on the same day:

"We were beaten with batons and doused with ice water for 4 hours."

Heorhi D., who was taken to Kobryn department of internal affairs on 11 August, reports:

"Beating with hands and feet, pulling out hair, hitting the head against the wall, holding in an uncomfortable position, beating with batons, moral pressure, coercion to sign protocols without reading."

The Human Rights Centre "Viasna" received information about torture and prohibited treatment in detention facility No. 6 of the Department of Corrections of the Ministry of Internal Affairs in Baranavichy and in prison No. 1 of the Department of Corrections of the Ministry of Internal Affairs in Hrodna.

Psychological methods of torture

All victims without exceptions were psychologically abused. The violence included threats to life and health, contemptuous, rude and humiliating treatment, usage of obscene language and criminal slang. Detainees were made to pray, sing an anthem of Belarus, shout "I love Lukashenko", and "I love OMON". Also, detainees were made to maintain dialogs about politics and report information about their job, salary and sexual preferences. All this was accompanied by physical violence for refusing to do things mentioned above.

Detained and arrested people especially suffered from acts of torture and cruel treatment of other people they heard and observed.

Siarhei U. was detained on August 10 and taken to the detention centre (CIP):

> *"Every night we heard new detainees being delivered. Everything was like in a nightmare: blows, screams, moans and cries of adult men.*

For many victims, the suffering they had endured triggered a mental disorder.

> 18 y.o. **E.,** who was at CIP, in Zhodzina prison and in Slutsk medical labour centre (MLC), from where he was released, according to his family, *"thinks he was there only for 2 days. But in fact he was absent for 5 days. He doesn't recognize his family. Occasionally, he fails to recognize his own mother. He says he was beaten hard on the first day in custody".* According to E's mother, *"on August 14, we picked up our son from Slutsk MLC, who had been detained 5 days ago. When we were going home E said he had been into custody for 2 days, I answered not 2, but 5 days. Then I started to tell him everyone was looking for him, called names of family members and friends, but he didn't remember all of them and even sometimes asked me who this was. At that moment I didn't pay much attention to his words, I thought he was kidding. When we got home, E went into shock, glued to his seat, he had glass eyes and said nothing. I called for an ambulance right away. He has undergone complete examination at Hospital N. 9. Doctors excluded closed craniocerebral trauma and concluded it was adaptation disorder as a reaction to hard stress and adaptation disturbance.*

A family member of **K.,** who was beaten and kept at Kastrychnitski district department of internal affairs, reported that:

> *After the incident, K seems to be lost in time and space, he always flinches from a sharp noise or careless touch. He lost a lot of weight. He doesn't eat much and has no appetite.*

Sexual abuse (rape, threats of rape and others forms of sexual violence)

Both men and women reported about threats of sexual violence. Mainly they were talking about rape with a rubber baton.

Aliaksandr Z., and Uladzimir K., both detained on August 10 in Minsk, mentioned this. At Leninski district temporary detention facility of Brest, Kanstantsin T. was threatened to be raped with a baton and hung up like a "swallow"[19]. 19 y.o. F.E. from Mahiliou was threatened by police officer "*with torture and putting in a cell, where I'd be raped*".

Anatoli L., who was transferred to Zhodzina Prison 8 on August, 11, says:

> *OMON officers escorting arrested people "spoke rudely about appearances of the detained girls, addressed them disrespectfully, promised to pass them round, and called them different obscene words."*

A number of respondents reported attempts to insert a rubber stick into their anal orifice: this was reported by A.V., who was detained on the night of August 11-12 in Minsk in the police bus;

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[19] Hanging up like a swallow is a way of torture in prisons, according to which legs and hands of a person are tied or bounded with handcuffs behind his or her back and at the same time are linked. In such pose person can be hung up.

Also, **D. R.,** who was detained on the same day in another district of Minsk and taken to OMON minibus, says:

> *"There was a moment when two of them twisted my arms and legs, and shouted to the third one to pull down my trousers and rape me with a baton. It didn't come to rape".*

*In Minsk, **O. Kh.** was in OMON minibus when they demanded to unlock his phone: "I was firmly laid in the car with my chin on the floor, they started hitting me in the liver, head and back of my head, then pinned my legs with their combat boots and again demanded the password from the phone, I refused again. Then there were threats to rape me with a stick, they began to pull off my jeans, I grabbed my jeans and said softly, "Don't do anything to me". They "took pity" on me, just because the older one said: "I'm kind today."*

V.R., who was held in Kastrychnitski district department of internal affairs of Hrodna, reported:

> *"They dragged me to the wall, put me on my knees facing the wall, tore my T- shirt, pulled off my sneakers, pants, removed my ties and put on handcuffs. One employee put a rubber stick between my arms and started twisting them. Two other officers beat me with rubber batons on the legs and buttocks, making no less than 40 lashes… Then the police officers stretched me on the ground and started pulling off my underpants, saying that they were going to rape me (insert a rubber stick into my anus). I resisted, clenched my legs and did not allow myself to be raped."*

Women also reported threats of gang rape.

Alesia Z., who was detained on the night of August 9-10 and was held in Savetski district police department of Minsk:

> *"OMON said (they periodically were talking about this in the minibus at night) how they would pass us round and let us go, what scum we were and [obscenely]".*

Women also claimed that they were searched in the presence of men (in the Akrestsina CIP – Anna S. from Minsk, who was detained on August 11), and men claimed that they were chased through the corridors of the pretrial detention centre naked in front of the detained women.

"Marking" of detainees

Information about the marking of detainees in various ways for the subsequent selective consideration of their cases and attitudes during their detention in transport and detention facilities was received from different cities. In some cases, there were correlations, although the analysis of information received from detainees did not establish a direct predictable link between these circumstances. The level of violence did not always depend on the presence or absence of markings with colour or signs on detainees or on their clothing. It should be assumed that such labels were supposed to be applied systematically, but due to unforeseen developments, especially in Minsk, this idea was abandoned or not implemented as intended.

As mentioned above, ribbons, bracelets, clothing, or unusual appearance were enough for police to classify citizens as belonging to an oppositional group.

Ya.V. from Lida reported:

> *"My clothes and the clothes of two other guys were marked by the traffic police with red spray, and. To a lesser extent, with a yellow spray. They painted white our back of the head. I can't remember what they wrote on our faces. Probably crosses".*

At Leninski district police department of Hrodna, Uladzimir R. was "painted with a marker on the face … he was made to wash his face with antiseptic green dye."

Aleh K., detained on August 13 in Mahiliou, reported:

> *"I was punched with batons, they jumped on my back on the way to the police department. I was doused with gas (propane) from a portable cylinder. Then they doused me with engine oil. They threatened me they would stick their batons into my butt."*

In Minsk, **Yelizaveta E.,** who was detained on the night of August 9-10, was *"hit on the hands with a baton because she refused to eat a white bracelet in front of OMON".*

In Hrodna on August 11, face of **Mikita S.** was *"sprayed with a can of black paint";* the same method was mentioned by **Viktar B.:** *"they beat me, painted me with black spray, everyone asked how much I was paid".*

The police cut off some hair of **Viachaslau K.** with a knife in the Akrestsina detention centre.

Dzianis K., who was taken to Aksrestsina CIP on August 12:

> *"After talking with the guys, I realized that the heaviest beatings (among the 130 people detained after midnight) were during the detention by OMON and in their vans: people were kicked, beaten with batons indiscriminately. A guy with dreadlocks had his hair cut off with a knife. A male medical worker had a cross cut on his head with a clipper. The guy in my cell had a TIC-TAC-toe field scratched on his body with a knife or something sharp, but apparently they didn't have time to play".*

M. S. from Minsk:

> *"Listening to homophobic comments about myself, I got slapped on the back of the head and everyone laughed at me. After that, my hair was cut off. On the back of the head, the hair was cut almost completely, in some places half of the hair. This is very bad, because I work as a model and I in this way violated my contract and destroyed my model book where all my photos are with long hair".*

Anton S., detained on August 10 in Minsk:

> *"They called me a fascist, a faggot, a beast. I heard one of the OMON members telling his colleagues sitting in a police truck that they would be witnesses. Then one of them put his knee or foot on my back and roughly grabbed my long hair, pulling my head up and began cutting my hair off with a knife. Then he intimidated me by banging a baton between my legs".*

Marharyta P., who was held in Centralny district department of internal affairs of Homel:

> *"A woman, an employee of the police department, ... hit me in the face. I turned and asked: "Why are you hitting me?" And she said to me: "Who saw it, how can you prove it?" Then she humiliated me and called me names. She asked me what I was doing, and I told her I was a primary school teacher. And she, mockingly, said: "Teacher? Consider yourself a homeless person already!" She threatened that she would personally make sure that I would be fired and given a short-term jail sentence".*

R.E. from Minsk was detained on August 10 when he was walking in the centre of the city with his girlfriend:

> *"When transferring from one police track to another, they laid me face down on the asphalt, cut off part of my dreadlocks with a knife, put them in my mouth, threatened to set fire to me. On the night of August 12-13, with the words "this hairstyle is not in fashion now" they cut off most of the remaining dreadlocks with a knife. After that, they ordered me to run up to the main group standing near the wall, lie down on the ground with my face down and keep my hands on my head. They began to hit my buttocks, thighs below the buttocks, first with rare blows, and then with strong and frequent ones. I screamed in pain, wriggled and gnawed at the ground. They were shouting questions, but I didn't hear them, because I was screaming in pain and asking them to stop. It lasted about 20 seconds, but very intense. Then they picked us all up, chased us along a live corridor of OMON staff, about 20 meters long, constantly beating us on the move, beating us on fresh wounds".*

Refusal to provide medical care

Along with situations where injured people were taken to emergency medical services, there were, according to the interviewed people, a large number of cases when medical care was not provided or was provided with a long delay. Also, the majority of respondents stated that the decision on the need to receive medical care entirely depended on the discretion of the police officers in whose hands the detainee was.

Y.V. from Lida:

> *"I started to lose consciousness (due to heart problems), I tried to tell them about that but I was hit a couple of times with batons. Then they poured water on me, again. Frankly, I wanted to blank out. To turn off."*

Dzianis K., who was detained in Minsk and held in CIP:

> *"We tried to call a doctor to a diabetic man who didn't feel well, but our requests were ignored… Another guy from the cell had 2 fingers broken or dislocated (the doctor was never brought in during the whole time outside and then in the cell)".*

Yauhen was detained on August 10 in Minsk and was held in CIP:

> *"During the day, some people started having heart problems, epilepsy attacks, and fainting spells. The ambulance came often, but as I understood, there was an unspoken order not to take people to hospital. Only one old doctor took two guys to the ambulance, the rest examined people with concussions, seizures, fainting, stuffed them with pills and sent them back to the cell."*

It should be noted that police officers put pressure on doctors and paramedics in order to prevent them from providing medical care to the detainees. Thus, Aleh Kh., who was taken to the Leninski district police department of Minsk, reports:

> *"An ambulance team arrived, tired and exhausted, these women doctors examined the most crippled, while OMON shouted obscenities at them and demanded their names and number of the team".*

Injuries sustained as a result of torture

Almost all detainees and arrestees who contacted the human rights centre "Viasna" and the Belarusian Helsinki Committee, have demonstrated bodily injuries or photos, videos of such injuries; many of them showed or gave medical documents of state and private medical institutions on the results of examinations.

The most common damage is hematomas of various surfaces and abrasions. Very common were extensive hematomas of the back and side of the thighs and buttocks, often spread over the entire projection of the surface.

This type of damage reliably confirms the methods of beatings described by the victims.

Medical examinations revealed more complex injuries.

In particular, **Leanid S.,** who was injured in a police truck in late evening of August 9, according to the medical document had *"craniocerebral trauma; transient blockade of the anterior branch of the left bundle branch block; a fracture of the eighth right rib; fracture of the base of distal phalanx; soft tissue contusion of the angle of the mandible on the right; soft tissue contusion of the right elbow joint, left foot, soft tissue of thigh».*

Viachaslau K., who was detained on the night of August 12, had *"closed craniocerebral trauma, concussion, traumatic bruised wound in the left under-eye area, periorbital hematoma on the left and right, multiple bruises on the shoulders and buttocks".*

Dzianis B., who was detained on August 11, had *"light closed craniocerebral injury, concussion of the brain. Fracture of the nose, multiple small abrasions on the back of the nose, left side neck, left forearm, back, right parietal region, ecchymosis behind the left ear, on occipital region, extensive bruising of the back surface of the left thigh, middle third of the right tibia. Chipped on 5 teeth".*

Aliaksei H. (on August 12 was beaten in CIP): *"Extensive post-traumatic hematomas of the gluteal region, the back of both thighs, and the front of the shins".*

E. S. from Mahiliou: *"Fracture of the orbit of the eye, bruised legs and neck".*

Yury K. from Minsk: *"in the area of the right shoulder blade there is linear ecchymosis of blue-purple colour with a greenish rim of 18x2 cm and 12x4 cm. On the rear surface of the left femur in the upper third there is a ecchymosis of blue-purple colour with a greenish rim oval 6x3 cm, in the lower third there is a bruising of blue-purple colour with a greenish rim oval 5x7 cm. On the back of the outer surface of the left foot, there is an ecchymosis of irregular elongated shape of blue-purple colour with a greenish rim 22x10 cm. Multiple bruises to the chest and lower extremities. Bruising in the area of the right shoulder blade, left hip, left foot".*

Aliaksandr Ch., who was detained in Minsk on August 10: *"a fracture of the lumbar vertebra was diagnosed, as well as extensive hematomas*."

Psychological consequences of suffering

Yahor A., who was beaten during the night in the police department, was afraid to leave home a week after his release.

Pavel Sh., who was held in CIP since August 10:

> *"Due to lack of sleep, food, water, and the lack of oxygen, on the third day I had severe visual and auditory hallucinations."*

Uladzislau D., detained on August 10:

> *"By the evening of the next day due to exhaustion without sleep, water and food, my condition worsened, my mind became clouded, I did not understand where I was and didn't recognize the faces of those who I was with, then auditory and visual hallucinations began".*

The usage of special means for torture and cruel treatment

In the stories of most of the detainees, plastic clamps are mentioned: this is a device for attaching and fixing wires and pipes in construction which were widely used to bind the hands of detainees. The binding of the hands in this way was not legally justified and caused particular suffering to the detainees since the ties tightly clung to the hands preventing free blood circulation and cut into the soft tissues of the hands causing severe increasing pain. These clamps remained on the hands of the detainees for an uncontrollably long time and did not loosen.

Thus, in the absence of disobedience or resistance of the detainees the usage of special means for binding was arbitrary and the use of construction and technical means that were not intended for their real purpose but in relation to the detainees was clearly illegal.

Special tools were used for beating – rubber sticks of various modifications (rubber batons). Some detainees mention the use of tear gas, stun guns and electric shields. In the absence of attacks, insubordination or resistance by the detainees, the use of these special equipment was also illegal.

Cold water, knives for cutting hair, and colouring agents were also used to cause suffering, pain, and humiliation to the detainees.

There are some examples:

Officers from various police departments used stun guns in their premises to cause suffering. In particular, **Pavel Ch.,** who was detained in Minsk on the night of 10 August, reported:

> *"I was taken inside the building of the main department for combating organized crime and corruption of the Ministry of Internal Affairs of the Republic of Belarus. I was in one of the offices with 3 policemen. I was taken there in handcuffs by people in civilian clothes who put me on the floor and started using a stun gun on me for three minutes, while asking if I would still go to assemblies and how much money I had been given or promised for this".*

Tear gas was used against detainees without legal grounds solely for the purpose of causing suffering. Several people reported police using gas on different days.

Yahor A., detained on August 10 in Minsk:

> *"In the next cell a person was shouting asking to be released because he was caught for nothing and that he was hypertensive. They made him calm down dousing him with pepper gas. Gas also entered our cell, and the two of us started to choke."*

A.A. from Mahiliou, who was taken to Leninski district police department, states:

> *"Staff member of Leninski police department A-v took me to the bus and started beating me, along all other policemen inside. Then I was laid on the floor and A-v started hitting my gluteus muscles with a rubber stick.*

Uladzislau Sh., who has been held in CIP until early morning of August 13:

> *"When they were letting us out, police put us on the ground and started beating us. They said this was for prevention, so that we would no longer try to go to rallies. I was hit about 10-12 times with a baton on my buttocks and legs".*

Other detainees held in CIP reported a similar procedure: before their release many of them were examined by the police and those who, according to the OMON officers' opinions, were insufficiently beaten were beaten again, forced to bare their backs and buttocks.

Divisions involved in tortures

Foremost, members of the police special forces of Minsk city department of internal affairs and Hrodna regional department of internal affairs, the staff of Akrestsina CIP in Minsk, Main Directorate for combating organized crime and corruption of the Ministry of Internal Affairs, and staff of the district police departments mentioned above, were involved in tortures and prohibited treatment. Military personnel of military units of internal troops of the Ministry of Internal Affairs (No. 3214, 5448), cadets of educational institutions and employees of other divisions and formations may also be involved in these actions.

Identification of people involved in acts of torture and prohibited treatment was difficult due to the lack of identifying signs, including insignia, on these people: the signs on the shoulder straps were turned inside out.

The vast majority of police and military personnel wore "Balaclava" masks that covered the entire face and left only the eye area visible; some of the officers wore medical masks.

M. S., Minsk:

> *"I would also like to draw your attention to the fact that not only the riot police tortured and beat people with extreme cruelty. Young cadets who were subordinate to the riot police also beat and humiliated people."*

Vitali K., who was detained on August 9 and held for three days in CIP:

> *"Everyone was in masks, basically the riot police beat us, the staff in Akrestsina detention centre was mostly without masks, and they also beat us, it was on the 3rd day i.e. August 12 in the morning, as we knocked on the door and tried to understand why they do not feed us and what happens next. Also, the staff of the Zhodzina detention centre beat us at the reception, but these were "puppies", to be honest."*

In Minsk, the detainees mentioned that internal troops also took part in detentions and the use of violence.

In small towns, local police officers were involved in torture and violence.

In Lida, people wearing "brownish uniforms and a red Chevron with the numbers 412", detained and beat detainees while transferring them to place of detention.

The top leadership of the Ministry of Internal Affairs was at least aware of the arbitrariness and acts of torture and prohibited treatment.

Yuri K., held in CIP:

> *"On the night of August 14, about 2 am, the guards reported that some of the cells would be visited by the Deputy Minister of Internal Affairs. If certain conditions were met, we would*

> *be released. The conditions were simple: do not ask questions, accept the offer and thank the "benefactors". The Deputy Minister actually came into our cell after a while and said a few words. I only remember the following: "don't get caught again - it will be worse", as well as "don't have hard feelings for the Belarusian police". Then we waited for about 2 hours. Only three cells were released. There were 35 people in our cell. Finally, the guards promised to rip off balls of those who would fall into their clutches again."*

After visiting the detention centre, Deputy Minister of Internal Affairs A. Barsukou denied usage of violence against the detained and the arrested in the detention centres, emphasizing that they were not beaten in their cells (which was mostly true: the beating took place in other rooms and in the courtyard of the detention centres, which was obviously known to the official).

The Minister of Internal Affairs Yury Karayeu said in several interviews that he was aware of acts of beatings of detainees, including those who were not involved in violation of the law. Yury Karayeu commented on the actions of security forces during the crackdown on protests in different parts of the country on August 9-12 at “Markov. Nothing personal” show on the ONT TV-channel on August 13. He said that he took responsibility for the injuries of random people at the protests, and also "apologized" to those who appeared in the area of the protests. When being asked by the host about the fate of these random people, Karayeu said: "They cooled down a little bit. We don't always even start the administrative process," emphasizing the arbitrary nature of the detention. In conclusion, Karayeu compared the post-election protests in Belarus to the situation in Nagorno-Karabakh in the 1990s and urged citizens to stay off the streets.

In an interview with TUT.by on August 16, the Minister of Internal Affairs promised to "deal with all cases of violence and abuse of power by the security forces when "everything calms down”:

“There was an escalation on both sides. When our guys are brought down, they lose composure. This is very bad, I am against it. It shouldn't be like this. We will deal with all the cases. Not now, but when everything calms down. Am I supposed to demoralize the police to please someone?”

Alexander Lukashenko in an interview with Russian media, talking to correspondent of The First Channel Anton Vernitsky, denied the facts of torture:

> *“They got it at Akrestina, but who got it? The biggest contradiction between jailbirds and cops is that they hate each other. And at Akrestina, there were a lot of people who I call "urkas" [criminals], convicted 12 times. And when they, drunk and stoned, 60% of them were this way, rushed at these guys [guards at Akrestina], of course, they responded. Well, of course, someone protected someone else there, they also got it. But not the riot police, there were no riot police at Akrestina.”*

He also said that "some girls' bottoms were painted blue", and "we can show" these shots.

> *“Well, yes, someone's back was blue. But today the bruises are gone. But those 39 or 40 guys who are broken, and with broken spines, riot police officers, are still in the hospital.”*

The RT head editor Margarita Simonyan still returned to the conversation about Akrestina, pointing out that besides "urkas" there were also journalists, including [journalists] of her team - who were beaten, not fed, not given water. Lukashenka replied to this:

> *“Can we turn this page? You think I don't know? I have to weigh it. Yes, and there was brute force. And Karayeu apologized twice. I say: apologize, apologize once if there was something. He apologized twice. We need to turn this page. And come back when things calm down. We have made conclusions. Don't think we're made of stone. We’ve made conclusions.*

> *The saying "when you chop wood, the chips will fly" is very rough. I am not saying that. But in life, it always happens like that when there is a big fight… But it saved the Republic, saved the country, saved stability… I think so, yes, not without cost."*

Conditions of detention

In accordance with the Rules for detention of an individual subject to administrative detention, "the place of detention of an individual subject to administrative detention…is specially designed for this purpose rooms of internal affairs bodies, including rooms for detainees of operational-duty services, cells of temporary detention centres, isolation centres for offenders of internal Affairs bodies, specially equipped premises and cells of temporary detention centres of border service bodies, premises of state security bodies."

Therefore, the detention in places that are not intended for this purpose – vehicles, other premises and courtyards of departments of internal affairs bodies, correctional institutions of the Ministry of internal affairs is illegal and unacceptable.

Detention of the administrative detainees in violation of the norms of the PIKoAP, according to which the norm of space per person is set generally at least four square meters (article 18.7), and violation of other rights of arrested persons, prescribed by the PIKoAP and the internal Regulations of the places of administrative arrest is also unacceptable.

In violation of these norms, detainees and arrested persons were kept in crowded conditions, in places not intended for the detention of detainees and arrested persons, without access to water and food, in the conditions of absence of medical care. Due to overcrowding, detainees were unable to sleep and perform their natural functions in a decent manner. The situation of detainees in CIP ("Akrestina") was especially tragic.

Anatoly Ye., who was detained on the night of August 9-10 and held in CIP:

> *"After [we] were brought to the prison, [we] were thrown out [of the van] and beaten, searched, humiliated, put on the knees against the wall, and kept 80 people in the prison open sky courtyard (about 20-25 square meters) for more than a day, the first 9 or 12 hours we were not given water or let use a toilet. Then, probably the riot police was replaced by to local guards, we were told where we were and they brought 5 litres of water. They kept us in a cement courtyard for more than a day. After this, they split us in two groups of 40 people and transferred us to a cell designed for 5 persons. It was stuffy in the cell and there was no space. When we were taken out to record who we were, we were beaten with batons and kicked. Those who fell, were beaten more. One morning, the guys who were kept in the other cell started clapping and asking to be released. As a result, they were beaten half to death, beaten so that everyone was quiet for a long time."*

All the detainees and arrested, held in CIP, mentioned unprecedented crowding in the premises, being kept in the cold, and the lack of proper nutrition.

Ilya Z., who was in CIP from 9 to 10 August, describes the typical conditions in the centre:

> *"I was kept in a cell for 6 people (cell N 4 on the first floor). Within different days there were 25-34 people, we were fed for the first time after 60 hours of no food, then once a day (a bowl of disgusting cereal, a loaf of bread per five people approximately, and 150 ml of tea).*

Alexander S. spoke about the detention since August 11

"in the open air walking yard (the area of the premise is about 20 square meters) we were 130 people with no food for two days."

In Zhodzina prison, according to the testimony of the arrested, in particular Dzianis H.: *"it was very crowded in the cells. The cell is designed for 10 people, there were 30 of us."*

Artsiom D., detained in Minsk:

> *"At 3 am August 10, I was taken to CIP at Akrestsina 36, Minsk, by the riot police and spent three days without food in a cell designed for 6, along with another 31 people. Then on Wednesday, August 12, we were taken to Zhodzina remand prison, about 25 people in a police van, where I stayed for two more days until Friday, August 14. [We] were 19 people placed in a 4-bed cell."*

Verbal justifications for the violence used

Employees of special divisions that used violence, ill-treatment and torture, in fact, justified their actions as revenge for people coming out to peaceful protest, for expressing their opinions, for desiring to change the situation in the country. At the same time, the employees did not hide this, using appropriate expressions while beating.

Pavel D., who was detained on August 12 in Minsk:

> *"Riot police officers tied our hands behind our backs, beat us with batons, used obscene language, and shouted "we will teach you who to vote for".*

Mikita B., detained on August 11 in Minsk:

> *"I was beaten with batons accompanied by swearing and obscenities: "Did you want any changes?! – Here are your changes!"*

Yahor A. says beating in Minsk was accompanied by riot police officers' saying, *"My grandfather fought in the war and what do you want to change?"*

In Akrestsina CIP, according to **Pavel Sh.,** *"the police shouted that we felt too free, that every slave should have a mark, that the law-enforcement is here, and we are all doomed."*

Tens of other respondents made similar statements.

Recommendations:

To prosecutors and departments of the Investigative Committee:

– Immediately initiate a criminal procedure based on the use of acts of torture and cruel, inhuman, degrading treatment;

– Take urgent measures to find and secure evidence, to conduct an investigation of all acts of torture and prohibited treatment, including an investigation of the actions of all law enforcement units for the detention, transportation of detainees, detention in police departments and other institutions, and of similar actions of employees of district departments of internal affairs, as well as their compliance with the rule of law in the conduct of their administrative processes, in addition, the activities of employees of detention centres of district departments of the Ministry of Internal Affairs and correctional institutions of the Department of Corrections of the Ministry of Internal Affairs;

–Remove from office for the period of investigation of all suspects of committing malfeasance or crimes against humanity.

To the Ministry of Internal Affairs:

– Take measures to eliminate the anonymity of employees of the internal affairs bodies in the performance of their official duties by ensuring the presence of easily readable inscriptions or codes on their clothes or equipment;

– Stop the practice of keeping people in detention in the places not intended for these purposes, as well as of keeping those detained and arrested in detention in violation of the established rules.

Compliance by the state with the obligation to conduct prompt and impartial investigations into acts of torture

In accordance with paragraph 2 of the International Covenant on Civil and Political Rights, article 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Republic of Belarus has undertaken:

to respect and provide all persons within its territory and under its jurisdiction with civil and political rights without distinction of any kind, such as in relation to race, colour, sex, language, religion, political and other beliefs, national or social origin, property status, birth or other circumstance;

to provide any person with an effective remedy, and

to ensure that its competent authorities conduct a prompt and impartial investigation when there are reasonable grounds to believe that torture has been used in any territory under its jurisdiction.

In accordance with Article 59 of the Constitution of Belarus, state bodies, officials and other persons entrusted with the performance of state functions are obliged, within the limits of their competence, to take the necessary measures to exercise and protect the rights and freedoms of the individual. These bodies and persons are responsible for actions that violate the rights and freedoms of the individual.

According to Article 7 of the Criminal Procedure Code of Belarus, the tasks of the criminal process are to protect the individual, his rights and freedoms, the interests of society and the state by promptly and fully investigating crimes, socially dangerous acts of the insane, exposing and prosecuting those responsible; ensuring that the law is correctly applied so that everyone who committed a crime is justly punished and no innocent person is prosecuted or convicted.

Unfortunately, we have to admit that the state, represented by its various institutions, has not yet taken effective measures to investigate the events that took place after the August 9 elections.

Consideration of applications and reports on the initiation of a criminal case for torture

According to the available information, more than one thousand applications for the initiation of criminal cases have been filed on the facts of the use of violence, ill-treatment and torture. Already on 17 August, the Investigative Committee of Belarus reported that more than 600 citizens filed complaints about receiving bodily harm during their detention by law enforcement officers, and about 100 people — about receiving bodily harm in places of temporary detention[20].

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[20] Official telegram channel of the Investigative Committee of Belarus: https://t.me/skgovby

On August 19, the Belarusian Helsinki Committee appealed to the Chairman of the Investigative Committee with a demand to initiate criminal proceedings on the facts of the mass use of torture on the grounds of a crime under Article 128 of the Criminal Code of the Republic of Belarus. In accordance with the Criminal Procedure Code of Belarus, a criminal case is initiated if there are causes and grounds[21]. The cause was the report by the Belarusian Helsinki Committee (reports of officials of state bodies, or other organizations - Articles 166 (3) and 170 of the Criminal Procedure Code), as well as numerous statements of citizens about the use of torture, violence and ill-treatment against them (at the time of filing our report it was already known about more than 700 such statements submitted to the territorial departments of the Investigative Committee), many reports of crimes in the media. The grounds are sufficient data indicating signs of a crime, in the absence of circumstances precluding criminal proceedings.

On September 2, the Investigative Committee responded to the appeal of the Belarusian Helsinki Committee on the fact of mass torture of people. The letter, signed by head of the Main Department of procedural control Siarhei Tsishuk, states: “Since your appeal does not contain information about specific crimes and other circumstances, there are no grounds for the Investigative Committee to conduct an inspection directly on this appeal and make decisions in the manner prescribed by the Criminal Procedure Code of the Republic of Belarus.”[22]

On September 22, the Belarusian Helsinki Committee complained against this response to the Prosecutor General and the Chairman of the Investigative Committee. On September 25, the Deputy Head of the Department for Supervision of the Prosecutor General's Office for the Execution of Legislation by the Investigative Committee said that since the Chairman of the Belarusian Helsinki Committee is not a participant in the criminal process, he has no right to appeal against the actions and decisions of the criminal prosecution body. The Belarusian Helsinki Committee did not receive a response from the Investigative Committee to the complaint.

On August 13, lawyer of the Human Rights Centre “Viasna” Pavel Sapelka addressed the prosecutor of the city of Minsk with a statement about the disproportionate use of physical force, weapons and special means, torture and cruel, inhuman treatment of detained participants in peaceful protests by law enforcement officers. In his statement, the human rights defender asked to initiate criminal proceedings on numerous facts of acts falling under the disposition of Art. 426(3) of the Criminal Code (Abuse of power or official authority) and of Art. 455(3) of the Criminal Code (Abuse of power, excess of power or inaction of power), committed by police officers and servicemen of the internal troops.

Deputy prosecutor of the city of Minsk Dzmitry Kastsiukevich forwarded the appeal to the department of the Investigative Committee for Minsk. Deputy head of the department Vitaly Bialkouski said on 28 August that “based on the statements of persons who have suffered from the use of physical force and special means by law enforcement officers, currently, inspections are being carried out, applicants will be informed on their results in the manner prescribed by law.”

On August 15, Viasna members filed a statement with the Prosecutor General's Office, in which they demanded the immediate initiation of a criminal case against the security forces, who abused their powers while dispersing peaceful demonstrators. Members of Viasna demanded the immediate initiation of a criminal case on the facts of these incidents under Articles 128, 426, 455 of the Criminal Code, an investigation and prosecution of those responsible. There was no reaction from the Prosecutor General's Office.

Creation of an interdepartmental commission

On August 26, the official Telegram messenger channel of the General Prosecutor's Office reported that “divisions of the Investigative Committee continue to conduct pre-investigation

[21] Article 175 of the Criminal Procedure Code of Belarus: https://etalonline.by/document/?regnum=HK9900295
[22] https://belhelcom.org/sites/default/files/otvet_sk_02.09.2020_no_np-114-2020.pdf

checks on the applications of citizens about the use of physical force and special means during mass events. Each such check is taken under the control of the prosecutor's office. In order to coordinate and support the study of the circumstances set forth in the relevant appeals, an interdepartmental commission was created under the auspices of the General Prosecutor's Office. It included representatives of the Prosecutor General's Office, the Investigative Committee, the Ministry of Internal Affairs, and the State Committee for Forensic Expertise. Members of the House of Representatives of the National Assembly will also take part in the work of the commission."[23]

Initiating the creation of a parliamentary commission to investigate torture

On August 25, the Belarusian Helsinki Committee appealed to the two chambers of the National Assembly of the Republic of Belarus with a proposal to create a parliamentary commission to investigate the events of August 9-12, including the massive use of torture on those detained during peaceful protests[24]. However, this request was denied.

Thus, the House of Representatives (lower house of parliament) reported that "According to the Constitution of the Republic of Belarus, neither the National Assembly of the Republic of Belarus in general, nor the chambers of the National Assembly of the Republic of Belarus, in particular, are empowered to investigate any events and actions of certain state bodies and their officials." The statement was signed by Deputy chair of the standing commission on state development, local self-government and regulations I. Volkau. At the same time, Volkau referred to the fact that the country has already created an interdepartmental commission, which, among other things, includes representatives of the House of Representatives.

The Council of the Republic (the upper house of parliament) in its letter dated September 10 also referred to the fact that an interdepartmental commission has been created in the country. The letter also stated that "citizens whose rights and legitimate interests, in their opinion, are infringed upon by the (in)actions of employees of the internal affairs bodies, have the right to appeal these (in)actions to a higher state body or a higher official, a prosecutor or a court."

Recommendations

To the Parliament:

- Immediately create a parliamentary commission from among the members of the House of Representatives and members of the Council of the Republic of the National Assembly to investigate the validity and adequacy of the use of the entire arsenal of special means, including firearms, rubber bullets, stun grenades, tear gas, etc. to suppress peaceful protests, which were used by law enforcement agencies from 9 to 11 August in Minsk and other cities; as well as to investigate the facts of the use of mass torture, cruel and inhuman treatment of detainees for participating in protests on August 9-11 in the buildings of police stations, on the territory of detention centres centres, and in special vehicles for transporting detainees, etc.
- Ensure that the public is constantly informed about the work of the created parliamentary commission to investigate the above facts, as well as involve representatives of civil society in its work.

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[23] Official telegram channel of the General Prosecutor's Office of Belarus: https://t.me/s/prokuraturabelarus

[24] https://belhelcom.org/sites/default/files/nacionalnoe_sobranie_parlamentskaya_komissiya_po_rassledovaniyu_pytok.pdf

– As part of the work of the parliamentary commission, to meet with victims of torture, violence, cruel and inhuman treatment, to question the leadership of law enforcement agencies, including the Minister of Internal Affairs, heads of riot police, heads of detention centres and facilities (including, on the facts set out in this report) and other officials; to prepare an appropriate conclusion based on the results of the commission's work.

To the Investigative Committee:

– Initiate criminal proceedings on the facts of mass torture, cruel and inhuman treatment of administrative detainees for participation in the protests on August 9-11, and to conduct an effective investigation;
– Remove suspects from office and work in accordance with the established procedure so that they do not interfere with the investigation;
– Ensure maximum awareness of the public about the progress of the investigation of these criminal cases.

Persecution of journalists and the media

General information

During the election and post-election period, the media, journalists and bloggers saw a rapid increase of pressure. As a result, the situation changed from grave to catastrophic. While the Belarusian Association of Journalists reports 23 violations of journalists' rights from the beginning of the year to May 8, i.e. before the election was called, it registered about 300 such cases from August 9 to mid-September. The vast majority of them occurred in the post-election period. There were over 180 detentions of journalists during this period. About one in three detained journalists experienced violence during their detention. BAJ registered facts of torture after detention, and damage or seizure of journalists' equipment; many journalists were held in custody and sentenced to short jail terms and fines. Three journalists were wounded by rubber bullets.

Other election-related violations of freedom of expression include:

- the Internet blackout in the whole country in the first days after the election and its regular shutdowns during mass protests,
- access restrictions to news websites,
- a tacit ban on printing and distribution of several national outlets,
- disregard of foreign journalists' applications for accreditation,
- unjustified deprivation of permanent accreditation of foreign journalists, and
- threats by the Minister of Foreign Affairs to take measures concerning the functioning of foreign media accredited in response to potential European sanctions against representatives of Belarus.

Detention of journalists

During the period from 09.08.2020 to 22.09.2020, journalists were detained at least 186 times for doing their job. Of these, in 87 cases they were detained for more than 3 hours. In 54 cases, journalists reported violence while they were working or detained, as well as torture after detention. Geographically, journalists were detained both in Minsk and in almost all regions of Belarus[25].

In most cases of detention of journalists on August 9-11, their whereabouts after their detention was not known for several days. They were searched for by journalistic organizations (BAJ), their

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[25] https://baj.by/en/analytics/repressions-against-journalists-belarus-2020-chart

lawyers, and, in case of foreign media journalists (non-citizens of Belarus) — by foreign missions of other states in our country.

In many cases, law-enforcement representatives did not only detain journalists, but also damaged or seized their professional equipment, and deleted their footage.

On 27 August, at least 47 journalists, including foreign ones, were detained by police in Minsk on Freedom Square, Independence Square, and Independence Avenue, as well as in the city of Brest. All the detained journalists were reporting on the events of social and political life of Belarus. Most of the detainees were taken to Kastrychnitski district police department of Minsk. The police failed to draw up detention reports or explain their rights to them. Police officers arbitrarily destroyed the original footage, i.e. the intellectual property of journalists and the media. All this was accompanied by threats of damage or destruction of journalists' professional equipment[26].

On September 1, police detained several journalists while they were performing their professional duties. Russian journalists were released, while 6 employees of the Belarusian media were taken to a police department, where they spent the night before trial. The court had to return the police reports against the journalists for revision twice, but the detained reporters of TUT.BY, BelaPAN and Komsomolskaya Pravda in Belarus were not released. They were taken to CIP (Akrestsina detention centre)[27] .

During the arrest, all journalists were wearing PRESS vests, and had badges and press cards. They all represented officially registered media – and still they were detained, accused of participating in an unauthorized rally, and taken into custody. Meanwhile, interior minister Yury Karayeu has publicly stated several times that journalists are as entitled to do their job as police officers.

Violence, torture and ill-treatment of journalists

During the period of 9-11 August, when mass violence was reported all over the country, BAJ registered violence against journalists in 33 out of 77 cases of violation of journalists' rights. Police used violence against journalists in the process of their work, during and after detention, against Belarusian and foreign media journalists, as well as against both male and female journalists.

In Minsk, there were at least 3 cases of police using firearms against journalists while they were covering protests, resulting in injuries, including those that required more than a month of treatment in hospital.

On 10 August, Nasha Niva journalist Natalia Lubneuskaya was wounded by a rubber bullet near Kalvaryiskaya Street when one of the law enforcement officers stopped 10 meters away from a group of journalists in blue press vests and shot her in the leg. Her medical treatment took more than a month[28].

On 11 August, journalist Iryna Arakhouskaya was injured by a rubber bullet while working near the Pushkinskaya metro station[29].

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[26] https://baj.by/en/content/about-50-journalists-detained-4-stand-trial-1-deported
[27] https://baj.by/be/content/dela-shesteryh-zaderzhannyh-zhurnalistov-otpravili-na-dorabotku-zhurnalistov-ostavili-v
[28] https://baj.by/en/analytics/riot-policeman-deliberately-shoots-nasha-niva-journalist-natalia-lubneuskaya-10-meters
[29] https://baj.by/en/analytics/repressions-against-journalists-belarus-2020-chart

On 9 August, Emilie van Outeren (nrc.nl, Netherlands) was wounded in the thigh during the protests[30].

As of 22 September, out of 57 interviewed journalists whose rights were violated in the post-election period, 16 reported that law enforcement officers had used violence against them after detention, as well as intentionally caused severe pain or suffering, both physical and moral.

On 9 August, Belsat journalist Stanislau Ivashkevich was detained in Minsk. After being taken to the detention centre of Minsk city police department, he was beaten with rubber batons in the corridor and in the courtyard. There were up to 13 people in a cell measuring about 4 by 6 meters, designed for 3 people. One loaf of bread for 11 people was the only food they received in 2 days.

On 10 August, Yahor Martsinovich, editor-in-chief of Nasha Niva, was detained in his own car in Minsk. After being detained, he was kicked, punched, and beaten with rubber batons, while being transferred to Zavodski district police department of Minsk and in the courtyard of the police department. He did not receive any food during first 12 hours of his detention. In Zhodzina jail, 28 people were held in a cell designed for 12 persons.

On 10 August, TUT.BY's Mikita Bystryk was detained and beaten in Minsk:

> *"When the police found out that I was with TUT.BY, they gave me some extra blows, saying "these scumbags like to write bad things about us." All this time, they didn't show any humane attitude to us. They treated us like animals: physically, morally, and verbally."*

Actions of the police officers led to broken ribs, bashed head, and numerous bruises on the body. No medical assistance was provided to the journalist during the whole day of 11 August. All this time, the detainees were not given food; they were only given some water and rarely taken to the toilet. Mikita had some food, for the first time in a long time, only next morning, already in hospital[31].

Prosecution of journalists

From 09.08.2020 to 22.09.2020, 24 journalists were sentenced to administrative arrests. They received sentences from 3 to 15 days in jail. In the majority of cases, the journalists were not brought to court from detention centres, and the trials were carried out via the Internet. The journalists reported, police had imposed time limits for communication with their lawyers and working out defence strategies. In fact, all court rulings were based on the evidence of police officers, whose identities were often classified and faces hidden. Their evidence often contradicted the provided documents on the status of a journalist, video materials, and evidence of eyewitnesses who saw journalists on the job.

On September 23, police searched the apartment of Nasha Niva chief editor, Yahor Martsinovich. At the end of the search, all electronic equipment was seized, while Martsinovich was detained for three days as a suspect under article 188 of the Criminal code (Libel). The reason for the prosecution was an article published by Nasha Niva where DJ Sakalouski said he had been beaten by deputy interior minister Barsukou in Akrestsina detention centre. Martsinovich was released but remains a suspect in the case[32].

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[30] https://baj.by/be/content/korrespondent-niderlandskogo-media-poluchila-ranenie-v-bedro-vo-vremya-akciy-protesta-v

[31] https://baj.by/be/analytics/sotrudnika-tutby-zaderzhali-za-video-s-mirnyh-protestov-emu-slomali-rebro-i-razbili-golovu

[32] https://nashaniva.by/?c=ar&i=259556&lang=ru

Restriction of access to Internet and to a number of online media

In earlier years, independent news websites turned out to be unavailable "for technical reasons" at the most intense political moments. However, the Internet shutdown and restriction of access to a number of websites became unprecedented after the presidential election in 2020.

On August 9, Internet bandwidth capacity was lowered five times. In addition, the traffic was supposedly shut down with DPI (Deep Packet Inspection) – equipment, used to monitor and filter network traffic.

Belarusian authorities claim the Internet disruption was caused by a massive cyberattack. However, cybersecurity experts and data protection groups say, technical analysis of Internet activity in the country suggests interference by the government. The Interior Ministry and the National Traffic Exchange Centre both declined to comment[33].

Ryan Gallagher, Bloomberg, notes that the Belarusian Internet was blocked with DPI equipment produced by a U.S. company Sandvine, Inc. According to Bloomberg, Sandvine Inc. conducted a preliminary investigation, which determined that authorities in Belarus might have developed and inserted “custom code” into its products “to thwart the free flow of information during the Belarus election.” Sandvine said in its statement, "this is a human rights violation and it has triggered the automatic termination of our end user license agreement”.[34]

Almost every weekend and repeatedly on weekdays, mobile operators in Belarus stop providing mobile Internet services to users "at the request of authorized state bodies".

In addition to periodic arbitrary blocking of Internet traffic, the Ministry of Information has restricted access to a number of online media through an out-of-court procedure. A number of websites were blocked in circumvention of legal procedures. Thus, the BAJ website was unavailable to users in Belarus from 9 to 27 August, despite the absence of any legal decisions to restrict access to it.[35]

On August 21 and 28, it was reported that the Ministry of Information made a decision to restrict access to more than 70 websites for "calling for and being used to coordinate activities to organize mass disobedience to government officials" and for "articles that provide negative description of the situation in Belarus after the end of the election campaign and discredit the activities of state bodies, including law enforcement agencies"[36].

On September 29, information minister Ihar Lutski ordered to suspend the status of media of the largest online news outlet TUT.BY. The Ministry of Information filed a lawsuit to shut down TUT.BY as an online outlet. Previously, starting August 7, 2020 TUT.BY received four warnings from the ministry. The ministry warned TUT.BY for the following articles:

- "Seven times more voters and "secret" protocols. What violations did the observers see and what did the CEC say?"

- "The State Control Committee to pay large bonuses to employees who show their worth in high-profile cases"

- "TUT.BY editor visited by security forces. Her daughter accused of organizing mass riots"

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[33] https://humanconstanta.by/bloomberg-translate
[34] https://www.bloomberg.com/news/articles/2020-09-15/sandvine-says-it-will-no-longer-sell-its-products-in-belarus
[35] https://baj.by/be/content/sayt-bazh-neozhidanno-razblokirovali-posle-18-dney-molchaniya
[36] https://news.tut.by/society/697901.html

- "The Belarusian customs asked to confirm that "Harry Potter" did not contain calls to overthrow the government."

TUT.BY was registered as an online outlet, i.e. received the status of media, in January 2019, before that, since its foundation in 2000, the portal worked without the status[37].

Obstacles to printing and distribution of independent newspapers

State-owned printing houses refused to print several independent newspapers on flimsy or no grounds at all. Among them were Narodnaya Volya, Komsomolskaya Pravda in Belarus, Svobodnye Novosti Plus, and Belgazeta[38].

After that, a number of outlets had to work with the printing houses outside Belarus. The papers are distributed through state-owned chains Belposhta and Belsayuzdruk, which in fact are monopolists in this field. However, these distribution networks refuse to distribute the print runs under various pretexts[39].

Obstacles to activities of foreign media reporters

Article 35 of the Law on Mass Media prohibits professional activities of foreign media journalists on the territory of Belarus without accreditation. In addition, Belarus has an established practice of bringing journalists to account (in the form of large fines) for publishing their materials in foreign media. Journalists are held accountable under article 22.9 part 2 of the Code of Administrative Offences, which stipulates a fine in the amount from 20 to 50 base values, i.e., approximately from $200 to 500 for illegal production and (or) distribution of mass media products. Thus, Belarus had already used the concept of "accreditation" to unreasonably restrict the right of access to information for foreign media journalists.

However, in the post-election period, the government started to resort to this mechanism in a much broader way. Before the election, at least 100 journalists seeking accreditation from the Ministry of Foreign Affairs did not receive any response within the legal deadline. As a result, they could not work legally.

At least 50 foreign journalists were banned from entering Belarus, and several of them were deported and given entry bans. Thus, according to the official report of the State Border Committee, on August 18, only in *Minsk national airport, 17 foreign media representatives were denied entry to Belarus "due to the lack of accreditation to carry out journalistic activities on the territory of our country"*[40].

Accreditation of foreign media journalists is used as a means of political blackmail. On September 18, foreign minister Uladzimir Makei said, *"if any sanctions are introduced against Belarus, Belarus would also take appropriate steps related to the internal political functioning of the states. This might apply to the political system, and the functioning of foreign media accredited in Belarus, and a number of other steps.'*'[41]

At least 19 journalists are known to have been deprived of accreditation. Thus, the following foreign media journalists were deprived of accreditation: ARD TV (3 people), Associated Press (2

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[37] https://news.tut.by/society/702256.html

[38] https://baj.by/be/content/ne-tolko-komsomolka-no-i-prochie-vtoruyu-nedelyu-krupneyshie-obshchestvenno-politicheskie

[39] https://www.nv-online.info/2020/09/04/narodnuyu-volyu-budzem-vydavats-razam.html

[40] https://gpk.gov.by/news/gpk/76444

[41] http://www.ctv.by/novosti-minska-i-minskoy-oblasti/vladimir-makey-o-davlenii-so-storony-es-my-odnoznachno-gotovy-k

people), BBC (2 people), Radio Free Europe/Radio Liberty (RFE/RL) (4 people), Reuters (2 people), AFP (2 people), and RFi (1 person)[42].

All foreign nationals who were deprived of accreditation were expelled from Belarus.

The dynamic with the media of state propaganda

On August 18, several hundred journalists of state media expressed outrage at the events in the country, primarily, the beating and torture in the detention centres that the detained protesters went through. Some TV channels, radio stations, and newspaper offices went on strike.

The largest was a strike outside the Belarusian TV and Radio Company building. As of the morning of August 18, about 300 people signed a statement demanding to recognize the election results invalid, to release all political prisoners, and to abolish censorship[43]. The police just banned the employees who supported the strike from entering the building of the TV and Radio Company.

A number of employees left the state TV channels: Artashes Antanyan, Uladzislau Tatur and Yaraslau Pisarenka, Andrei Ivanou, Yauhen Perlin, Siarhei Kazlovich, Vera Karetnikava, Katya Pytleva, Andrei Makayonak, Volha Belmach, Yury Yaroshyk, and others[44].

Some of the former employees of state propaganda media were eventually detained and sentenced to short-term arrests, which may be seen as a way to pressure and intimidate other journalists who are thinking about leaving the state media. On September 11, the former head of the presidential pool (ONT TV) Dzmitry Siomchanka received 15 days of jail[45].

The state-owned Belarusian TV and Radio Company (Belteleradiocompany) invited media professionals from Russia to replace its striking Belarusian employees. According to the Russian Agency RBC, teams of Russia Today arrived in Minsk; their journalists also joined the presidential pool, which covers Lukashenka's trips around the country[46].

Persecution of bloggers

The authorities made a pointed effort to prosecute popular bloggers during the election campaign; some of them are still in custody and recognized as political prisoners. They are charged under article 342 of the Criminal Code (organization or active participation in group actions grossly violating public order).

Currently, 9 bloggers are in custody:

1. Uladzimir Niaronski. Blogger, author of Slutsk for Life YouTube channel. Detained since May 8 on charges under article 342 and article 369 of the Criminal Code (insulting an official) — for alleged insult of the chairman of the Slutsk district executive committee.
2. Siarhei Tsikhanouski. Blogger, author of The Country for Life YouTube channel. Detained since May 29 on charges under article 342 of the Criminal Code. Later, he was also charged under article 191 (Obstruction of the exercise of electoral rights)
3. Dzmitry Papou. Moderator of the social media pages of The Country for Life. Detained since June 4 on charges under article 342 of the Criminal Code.

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[42] https://www.dw.com/ru/treh-zhurnalistov-ard-lishili-v-belarusi-akkreditacii/a-54750690
[43] https://news.tut.by/economics/697060.html
[44] https://baj.by/be/analytics/sotni-izbityh-na-pervoy-polose-traktor-sotrudniki-gossmi-zayavlyali-o-zabastovkah-i-chto-v
[45] https://baj.by/ru/content/dmitriya-semchenko-byvshego-televedushchego-i-eks-glavu-prezidentskogo-pula-zhurnalistov-na
[46] https://baj.by/ru/analytics/kak-rossiyskaya-propaganda-zahvatila-belorusskoe-tv-i-prichem-tut-zhurnalisty-iz-rossii

4. Uladzimir Tsyhanovich. Blogger and author of the MozgON YouTube channel. Detained since June 9. Charged under article 342 of the Criminal Code.
5. Dzmitry Kazlou. Aka Shery Kot (Gray Cat), YouTube blogger. Detained since June 10 on charges under article 342 of the Criminal Code.
6. Aliaksandr Kabanau. Blogger from Brest, author of the People's Reporter YouTube channel and spokesperson of Sviatlana Tsikhanouskaya's initiative group. Detained since June 15 on charges under article 342 of the Criminal Code.
7. Siarhei Piatrukhin. Blogger from Brest, author of the People's Reporter and YouTube-People's Representatives channels. Detained since June 16 on charges under article 342 of the Criminal Code.
8. Ihar Losik. Administrator of the Telegram channel Belarus Golovnogo Mozga. Detained since June 25 under article 342 of the Criminal Code.
9. Siarhei Korshun. Blogger of The Army with the People telegram channel. Detained on July 21 on charges under article 342 of the Criminal Code[47].

Recommendations

- Investigate all cases of violations of the rights of journalists, including torture, violence, arbitrary detention, damage and seizure of equipment, and bring those responsible to justice;
- Abandon the practice of arbitrary detention of journalists while they are performing their professional duties;
- Release the detained bloggers;
- Withdraw the lawsuit of the Ministry of Information on withdrawal of the media status from TUT.BY online outlet;
- Stop criminal prosecution of Nasha Niva editor-in-chief Yahor Martsinovich;
- Stop the practice of denial printing and distribution services to print media by state-owned distribution networks;
- Stop the practice of blocking the Internet;
- Abandon the practice of extrajudicial and arbitrary blocking of online news websites and to restore access to the blocked websites;
- Stop the practice of obstructing the work of foreign media journalists.

Harassment and pressure on lawyers

In Belarus, there is no freedom to exercise the profession of a lawyer. Bar associations lack actual independence and self-governance. The procedure for access to the legal profession does not comply with international standards.

The legal profession in Belarus, both in general sense and in regard to each and every individual lawyer, is under control of the State, represented by the Ministry of Justice. This applies to both the acquisition of an official status of an attorney as well as to the deprivation of it, and also to the establishment of the bodies of self-governance for bar associations along with the activities carried out by them.

The periods of political activity of the citizens of Belarus (for example, in 2010 - 2011, 2017 - 2018, 2020) have been accompanied by persecution of civil society in general. At the same time, the authorities unleashed targeted repressions against the bar members, in particular. As a result of that, the lawyers who happened to e brave enough to defend civil activists and opposition

[47] https://spring96.org/be/news/49510

members, have been being removed from the Bar Association / (The Attorneys' Corps).This prevents members of the professional community from getting involved in the politically motivated cases, and from expressing their moral principled stances in public. As a result of that practice the right of every person to have access to legal defence and representation is not duly ensured in the Republic of Belarus. These systemic problems have been repeatedly pointed at by the international and non-governmental organizations alike.

Lawyers defending civic activists and opponents of the current government are being prosecuted. At present, we observe the increased pressure on such lawyers, including with the use of criminal prosecution.

Thus, lawyers Maksim Znak and Ilya Salei are kept in custody now.

Maksim Znak is a lawyer for Viktar Babaryka, presidential contender who was not registered as a presidential candidate. Babaryka has been detained and is still kept in custody in the pre-trial detention centre of the Committee for State Security ("KGB"). Maksim Znak is also a member of the Presidium of the Coordination Council, which was created on the initiative of the former presidential candidate Sviatlana Tsikhanouskaya with the aim of organizing the process of overcoming the political crisis and ensuring harmony in society.

Ilya Salei is a lawyer of Maria Kalesnikava, head of the Headquarters of Viktar Babaryka. She is one of the leaders of the Coordination Council and the Belarusian protest movement.

Ludmila Kazak, also Maria Kalesnikava's lawyer, was captured by three men on Kommunisticheskaya Street. One of them was a riot police officer. She was taken to Centralny district police department of Minsk. They threatened to draw up protocols under Articles 23.34 and 23.4 of the Code of Administrative Offences (i.e. participation in an unauthorized mass event and disobeying the orders of police officers). Allegedly, on August 30, she was at a mass event on Peramozhtsau Avenue. In fact, she was at the Mall that day with her daughter. Copies of the protocols were not handed to Ludmila. She had no possibility to examine a case file. The police officers who spoke to her behaved arrogantly, boorishly, said "you are here, and you must obey our demands". They ignored her words that she needed to be in Court by 14 o'clock to fulfil her professional duty as a lawyer to protect the rights of the client. Ludmila asked to call her husband, to call a lawyer, to call an ambulance, as she was not feeling well. These requests were also ignored. The police officers demanded to unlock the phone, but she refused. They did not hide the fact that they were interested in the contents of the phone. In all the protocols and in individual complaints, she wrote that this is persecution for her professional activity, that the seized items contain attorney-client privilege. Defenders of L. Kazak could not get to the client in the temporary detention centre for more than three hours. The administration first referred to the quarantine, then to internal "events" in the prison. On September 25, judge Aliaksandr Rudenka found L. Kazak guilty under Art. 23.4 of the Code of Administrative Offences (see above). She was fined 25 base values (approximately 223 EUR).

We also want to mention, that we consider this incident, along with the detentions of the lawyers Maksim Znak and Ilya Salei, pressure on the lawyers who provide professional legal assistance to the detained opponents of the regime and, in general, as an attack on the independence of lawyers.

Recommendations:

- Immediately release arrested lawyers Maksim Znak and Ilya Salei;
- Ensure independence of the bar in accordance with international standards, inter alia eliminate excessive control over the bar by the Ministry of Justice and give wider powers to the self-government bar bodies.

The situation of children

Children have also suffered in the peaceful protests that took place after the elections. There were numerous cases of violations of national legislation in the detention of children.

According to article 8.2 point 3 of PIKoAP on detention of a minor, notification of parents or persons in loco parentis is obligatory. The notification takes place within three hours. However, this requirement has been widely violated.

Thus, the parents of **S.** who was detained at a protest action said:

> *"[on one of the days of September] near "Riga" shopping centre in Minsk, a subdivision of the OMON took him and his friend out of the Sosedi shop, pushed them into a police van, beat them with batons and hands, hit him on the knee, caused a head injury, broke his arm and took his phone away. At the police station [one of the police stations in Minsk] they kept them on the ground on their knees for several hours hitting their heads against the curb. All requests to call their parents and call an ambulance were refused, they made jokes and laughed. We, the parents, found out about what had happened only on September 24 when my son called from someone else's phone from the ambulance hospital.*

On the morning of August 9, 17-year-old **Danila V.** was detained in Homel "for a preventive conversation" and told to bring his phone and a public transport pass with him. The child was taken to Savetski district police department of Homel, but his parents were not informed about this. Danila's father visited all police stations in Homel, but no one informed him of his son's whereabouts. His mother says:

> *"Three hours after Danila was taken, information came in from some random people: "Don't worry. He was taken just for a preventive conversation and will be returned soon". Given that he was a participant in a rally on 14 July, my husband and I concluded that he was taken away on the same principle, namely to prevent him from going to rallies and doing anything on the day of the vote".*

It was only around 10:30 p.m. that Danila returned home. He was brought home by a police car. According to his mother, *"there were neither comments nor apologies"*.[48]

In the evening of August 11, secondary school student M. was going home after a solidarity rally near the Pushkinskaya metro station and was detained there around 10pm. His sister N. told TUT.BY:

> *"He does not know who exactly* [detained him] *but he says they were "people in green uniforms". My brother immediately said that he was 14 years old when they put him in a police van and asked his name, date of birth and address. M. was beaten at the time of detention, at the police station and at the Centralny district police station. But I would like to note: they found a hammer in his backpack only when inspecting things in the police department. They saw it and got angry. We then asked him why he had taken the hammer. and he answered that he was going to defend his country. They also found a hamburger, medical masks, bandages, napkins and water in his backpack".*[49]

When the family could not reach M. in the evening, they began calling 102 (emergency police service) but they could not help. Afterwards, at 5 a.m., i.e. 7 hours after the arrest, the Centralny district police department of Minsk made a call and told them to come and pick him up.

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[48] https://gomel.today/rus/news/gomel-17785
[49] https://news.tut.by/society/696793.html

There is strong evidence of various injuries to children caused by the use of physical force and special equipment by the law-enforcement forces against protesters. Thus, from the document received anonymously from the Minsk City Emergency Medical Service on the nature and severity of bodily injuries received by citizens from 9 to 21 August during street events in Minsk, it follows that during this period, 15 children aged 5 to 18, as well as 17 people born in 2002 (the border age between an adult and a child) sought medical treatment because of various injuries. The main diagnosis was contusions, bruises of soft tissues of the head and body (mainly the back and buttocks) and limbs, craniocerebral injuries of various degrees, broken limbs (and, in two cases – a nose and a jaw). A 17-year-old boy had his rectal mucous membrane damaged.

There is evidence of children being beaten by police officers despite the obvious understanding that they were beating a child. For example, the detainee's sister N., mentioned above, told TUT.BY:

> *“My brother has deep wounds on his knees, elbows, marks on his forehead and chin - all from the posture in which he stood for a long time. They were lowered on their knees, hands behind their backs or behind their heads, face into the concrete. There were also baton marks on his buttocks, back and legs. There were marks of other people's fingers on his hands, apparently they were holding him. My brother said that he had been in hell, the worst and most painful thing was to kneel down in this pose. And in a police van, they were forced to sing the anthem and shout "I love OMON. Hail to the riot police". Then they asked him: "Who are you going to vote for, b ...* [insulting language]*?” He is only 14 years old!”*[50]

Nikita Telizhenko, a correspondent for the Russian news agency Znak, who was detained on August 10, witnessed the beating of teenagers at the Maskouski police department of Minsk:

«You, b... [insulting language]*, who did you barricade against, will you fight against me? Do you want to fight? - one of the policemen yelled, beating up a detainee. What struck me, killed me and trampled me was that all these beatings took place in front of two women - members of the staff of the police department - who were registering the detainees and describing their property. Teenagers aged 15-16 years, still children, were beaten in front of their eyes. Beating them is like beating girls! And they do not even react…”*[51]

Many children have witnessed violence from members of the law-enforcement forces, which has resulted in serious psychological stress. Many needed urgent psychological help and rehabilitation. For example, on September 6, 2020, P., 16, was detained together with her mother in Minsk. She was later released without a protocol. She witnessed her mother being beaten. According to her mother, *"the girl yet does not want to talk about it. She says that she partially does not remember that day. She cries every time she sees the police"*.

Children who participate in peaceful assemblies are subject to psychological pressure and intimidation by administrations of educational institutions. For example, an administrative process has been initiated against the mother of a 12-year-old D. for not fulfilling her responsibilities in raising children[52] because of her child's participation in a peaceful protest. The mother reported:

> *“They (a juvenile affairs officer) interviewed the child in the presence of the school principle. The inspector pressured the child with her comments that the child cannot understand what*

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[50] https://news.tut.by/society/696793.html

[51] https://www.znak.com/2020-08-12/prprpl

[52] Article 9.4 of the Code of Administrative Offences provides for administrative liability in the form of a warning or a fine of up to 10 basic units (approximately $100) for the failure of parents or persons in loco parentis to comply with their child-rearing responsibilities, which has resulted in the commission by a minor of an act containing elements of an administrative offence or a crime, but a minor has not reached the age from which administrative or criminal liability for the act is incurred by the time the act is committed.

is happening and that the white-red-white symbols have a different meaning (with a hint on fascism). The principle claimed that if the girl had been 16 years old, she would be reported and her future would be uncertain in terms of university admission. It was made clear that the child should not express her opinion in any way (in this case, by participating in peaceful actions, including using white, red and white symbols - her daughter symbolically depicted such a flag on a piece of paper with writing on it: #zhyvebelarus (#LongLiveBelarus)"

Recommendations:

- ensure strict compliance with the requirements of national legislation regarding the use of arrest for children;
- conduct an effective investigation of all instances of the use of physical force and the instruments of restraint as well as ill-treatment and tortures against children;
- stop pressure, intimidation and threats against children with respect to their exercise of the right to freedom of expression.